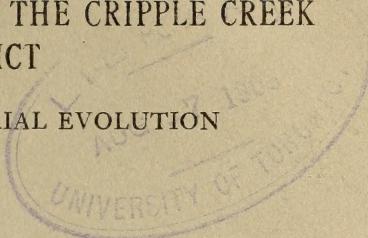


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THE LABOR HISTORY OF THE CRIPPLE CREEK DISTRICT

A STUDY IN INDUSTRIAL EVOLUTION



BY

BENJAMIN MCKIE RASTALL

Economic Expert, New York State Department of Labor

A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

UNIVERSITY OF WISCONSIN

1906

(REPRINTED FROM THE BULLETIN OF THE UNIVERSITY OF WISCONSIN
ECONOMICS AND POLITICAL SCIENCE SERIES, VOL. 3, PP. 1-166)

MADISON, WISCONSIN

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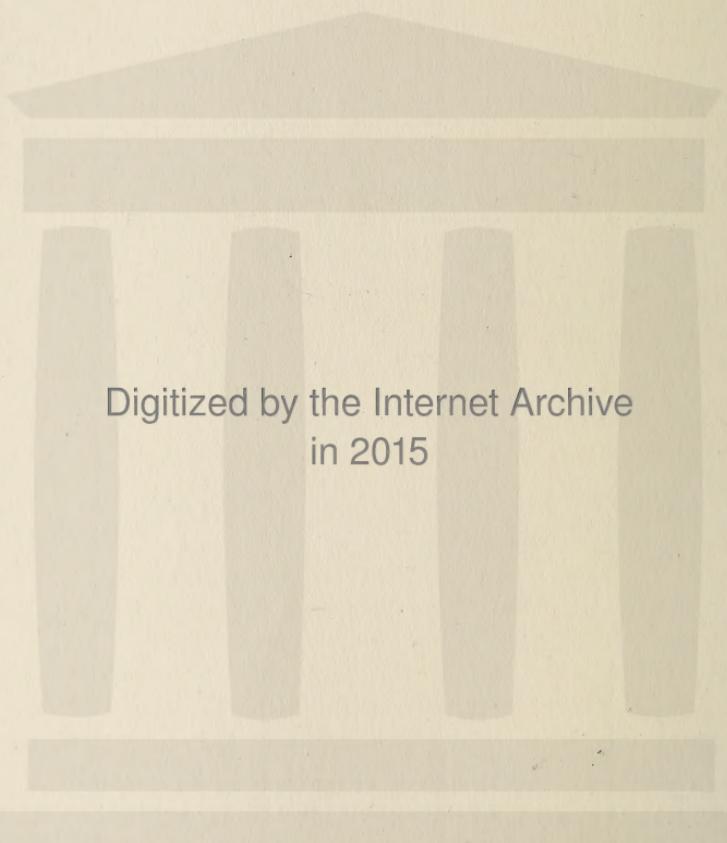
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PREFACE

The Labor History of Cripple Creek is the result of investigations carried out upon the ground, and covering a period of several years. The material for the narrative of the strike of 1894 was secured in 1902 and early in 1903, shortly before the opening of the second strike. This was fortunate in that, a considerable period having elapsed and the most friendly conditions prevailing, the second strike being no more than a faint suggestion upon the horizon, the men concerned could be induced to speak more frankly and with less conscious partisanship than would have been possible at any other time. It also gave the author knowledge of the exact situation and conditions under which the second strike had its formation, and enabled him to follow the course of events with more accuracy than would have been possible under any other circumstances.

During the strike of 1903-04 the author was a resident of Colorado, part of the time of Colorado Springs, and the summer season of 1905 was spent in Teller County, largely in completing the investigations for this monograph. The most important material for the work has been gained through interviews, over 300 in number, with men in a position to have an intimate knowledge of various phases of the difficulties. Information has been sought from most of the union officers and many prominent union men; from nearly all the county and state officers in any way directly concerned; and from many others who from close personal experience could speak with authority of various incidents of the strike. It was originally intended to publish a list of the interviews with the bibliography, and to make free use of them in footnotes showing authority. Owing, however, to the recentness and intensity of the last strike, the resulting tension is in some cases strong. It

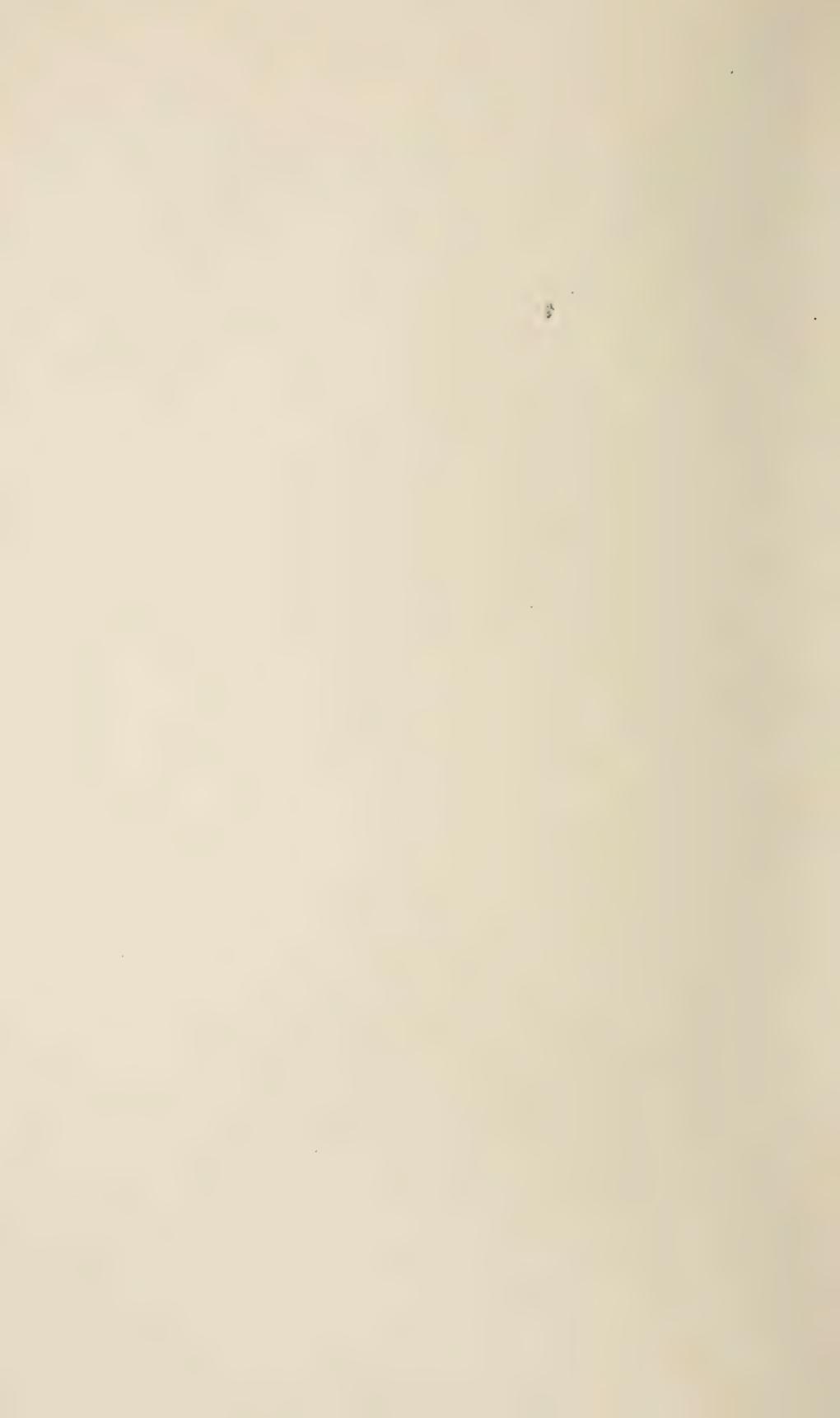
has seemed wise to preclude the possibility of embarrassment or injury resulting from the very frankness and courtesy which has made the accuracy of the study possible, and for that reason names are withheld. It should be understood that frequently where only documentary evidence is cited, and always where no authority is given, reliable testimony has come from authentic personal sources.

The manuscript of the narrative part of the work (Part II, Chap. VI, and all footnotes, excepted) has been submitted to residents of Colorado selected so as to include both political parties, both county and state authorities, and both those whose general sympathies were with the mine owners and those who sympathized with the unions. They were those who seemed to the author to combine the largest actual knowledge of the disturbances with the most conservative and unbiased judgment. Their criticism and suggestion has proved of very great value. The same reasons as given above prompt the withholding of the names.

To Professor Thomas K. Urdahl of Colorado College, at whose suggestion the work was originally undertaken, and whose advice and suggestion have been of the greatest value throughout, the author is deeply indebted.

The history of the Cripple Creek District is one of rapid and spectacular growth. The sudden rise of a complete social fabric in a mountain wilderness, and the transformation of a barren area to a center producing \$2,000,000 a month, form the background of an equally rapid industrial development which finds its chief exponent in the mining labor movements. The district forms a small but distinct physiographical and political area. Within this area the stages of a complete industrial evolution have been passed through in a little more than a decade. Starting with primitive, frontier labor conditions, there was a rapid succession of stages ending in extreme capitalization and extraordinary organization. Gathering the strength of forces shut in unto themselves, and keeping pace with the other rapid developments, the labor-capital issues finally broke forth in a conflict worthy the name revolution. The very momentum of the movement carried it through the entire known gamut and on

beyond the experiences of its time, and with almost the entire section arrayed on one side or the other, and to the accompaniment of boundless political turmoil, it fought itself out to the finish. A working model is ever of great importance, and this intense miniature of great present day forces and issues has a content of valuable suggestion.



PART I

THE STRIKE OF 1894

THE LABOR HISTORY OF THE CRIPPLE CREEK DISTRICT

CHAPTER I

PRELIMINARY CONSIDERATIONS

INTRODUCTION

The Cripple Creek District lies in the first range of the Rocky Mountains, about 25 miles west of Colorado Springs, and 85 miles southwest of Denver. It has an altitude of from 9,000 to 12,000 feet, none of the mines being at an elevation of less than 9,000, and some being over 11,000 feet above sea level. Geologically, the region is of volcanic origin. Great flows of lava have issued from a formerly existent volcano in the heart of the district. When these hardened they were subjected to severe stresses in the earth's crust and broken by countless fissures in parallel systems. Later, hot percolating waters from deep-seated sources in the earth came to the surface, bearing in solution gold telluride, with quartz. These were deposited as the valuable ores in the fissure veins of the district.

Rough, gaunt and broken, dry and almost arid, cut into barren rocky ridges and valleys where scraggly dwarfed trees eke out a bare existence, and naught can flourish save the hardy mountain grasses and wild flowers;—it is not a place to invite human habitation, nor to support it under ordinary conditions. The only sign of occupancy in 1890 was the Womack cattle ranch occupying the present site of the city of Cripple Creek.

In 1893, less than three years later, the city of Cripple Creek numbered about 5,000 people, and close at hand were Victor,

Anaconda, Altman, and numerous smaller towns. Three wagon roads led into the district, from Divide on the north, from Colorado Springs on the east, and from Canon City on the south. Along these roads night and day passed heavy trucks drawn by six and eight horses, bringing into camp provisions and building material and mining machinery, or leaving with loads of ore for the smelters. Heavy passenger coaches came in every night to swell the number of fortune seekers. On the north, the Colorado Midland Railway was running a branch road in from Divide, and the Florence and Cripple Creek Railway was pushing even harder to get into camp from the south.

The reason for this rapid change was gold. Robert Womack had in 1890 sunk prospect holes and secured ore that assayed high in gold.¹ News of his success had spread quickly, and soon prospectors poured in from all directions. More than 40 mines were in process of active development by 1893 and prospect holes were being sunk in every direction.² Nearly \$3,000,000 worth of ore had been shipped from the mines already, and every week new veins of rich promise were being opened.³

The social conditions of the region were those usual in an unsettled mining community. Life at the camp was generally rough. Men were many and women few. Saloons and dance halls were numerous. The roads were poor and the city streets even worse. Dumps from the mines often crossed the sidewalks, and half filled the streets. Houses were mere frame shells, or rough log huts. Prices of all merchandise were very high as the result of the 20 mile haul over mountain roads; the poorest shacks rented for \$12 or \$15 a month; fire wood was \$4.50 per cord; and water sold for 5 cents a bucket or 40 cents a barrel.

¹ *Cripple Creek Illustrated*, Warren & Stride, p. 11.

² *vide* mines listed by the Colorado Springs Stock Exchange early in 1894.

³ *Cripple Creek Illustrated*, Warren & Stride, p. 23.

GENERAL ECONOMIC CONDITIONS

Under these conditions Cripple Creek was advancing rapidly toward its later position as one of the great mining camps of the world, when its development was temporarily arrested, and its attainment of this position greatly delayed, by a five months mining strike. To understand this strike fully it is necessary to get its setting, and to see clearly the forces that operated as direct causes or active impulses toward it: what conditions made a war between labor and capital imminent, and what influences led to the actual controversy.

In 1893 the United States was in the midst of a great financial panic. The expenditures of the government far exceeded its income. The reserve in the treasury was dangerously depleted, and the credit of the government was maintained by large bond issues. The business world was in a terrible condition. At the close of the year there had been over \$500,000,000 withdrawn from national banks alone. To meet the demand these banks had been compelled to withdraw loans to the extent of \$318,000,000. Five hundred eighty banking institutions had been compelled to suspend payment, with liabilities of \$165,000,000. There had been over 16,000 business failures. \$1,200,000,000 worth of railroad property had gone into the hands of receivers. Thousands of shops and factories had shut down; more thousands were working part time only; commercial houses and railroads were working under greatly reduced business; and as a result millions of laborers were idle.⁴ It was estimated that in the city of Pittsburg alone 100,000 men were out of employment.⁵ In every city men were eager to seize any opportunity to work for their board alone, and rumors were current of men offering themselves as slaves for life for a promise of mere subsistence.

It was a time prolific of strikes. Contemporaneously with the Cripple Creek strike came a great coal miners strike, cov-

⁴ Wells, David C., *The Teaching of Our Recent Economic Experiences*, in *Forum*, January, 1894.

⁵ Such estimates are usually greatly exaggerated. This one is quoted merely as throwing light on the general conditions.

ering Pennsylvania, West Virginia, and Ohio, and the great Pullman strike, which starting in Chicago swept eastward half way to the Atlantic, and southward to the Gulf, and westward to the Pacific coast. Coxey's Army was marching toward Washington, a great body of the protesting unemployed, and a special session of Congress had been called to consider ways of relieving the great financial stress.

In Colorado the conditions were even worse than elsewhere. Added to the general depression had come the rapid decrease in the price of silver, the consequent closing of the silver mines, and the loss of one of the state's greatest sources of wealth.

The labor difficulties common to the country and the state were shared by Cripple Creek. Evidence of severe conditions is perhaps best given by the size of the detachment that left the district on May 4th to join Coxey's Army in the march to Washington. Over three hundred strong it left Cripple Creek and Victor, under the leadership of General J. S. Sanders, with flying colors and beating drums. The Florence and Cripple Creek Railway furnished a free train for the army to Canon City, and the Denver and Rio Grande did the same to Pueblo. At Pueblo the men were fed and housed for a few days, and then took forcible possession of a Missouri Pacific train, and started off for Chicago. The officials of the road tried in every way to stop them, and at last wrecked a train to block the track. But the Coxey men cleared away the wreck and went on. They were forced to abandon their train by a second wreck in a cut, but stole another train a few hours afterward, and succeeded in getting half way across Kansas, where they were arrested, and finally dispersed by United States marshals.⁶

The labor difficulties incident to the closing of the silver mines fell upon Cripple Creek. To the great gold camp flocked the unemployed miners of the silver region, to find work in the gold mines, or to open prospect holes on their own account.

⁶See Cripple Creek District newspapers for May 4, and 5; Pueblo papers for May 5, and 6; Colorado and Kansas newspapers generally, for May 5-8, inclusive.

INDIRECT CAUSES OF STRIKE

The situation was further involved by irregularity in the hours of employment at the mines, and the variation in the working day.

The camp was new, and had not settled down to regular life as yet, and custom had not been given time to develop its unwritten law. Men had not begun to do things as they found other men doing them. When a new mine started up, its owner or manager relied entirely upon his own judgment as to how it could best be worked, and there naturally arose a great diversity. Some mines worked three shifts a day, some two shifts, some one. In some of the mines the men worked eight hours, in others nine, and in others ten. Among the principal mines working eight hours may be mentioned the Isabella, the Pharmacist, the Zenobia, and the Pike's Peak. The principal ten-hour mines were the Strong, Granite, Portland, and Independence; and the principal nine-hour mines the Victor, Anaconda, Sunset, C. O. D., Gold King, and Ingraham. The wage at all the mines was uniformly three dollars per day, irrespective of the length of the shift.⁷

Here was a dangerous condition of affairs, one which must sooner or later result in trouble. It could only be a question of time until the men working in the long-time mines should awaken to the fact that their labor was as valuable as that of any other men, and demand as short a working day as the shortest; or until the mine owners of the short-time mines should discover that their money was as good as that of any other men, and demand as long a working day as the longest. Such unequal conditions could not long continue. Labor or capital would move presently, and under the economic conditions which we have just examined, with a large increase in the purchasing power of money, and thousands of men at hand ready to work for almost any wage, it is not hard to see from which source the movement was likely to come.

⁷The Portland mine which had a nine-hour day and \$3.25 wage is an exception. President Calderwood estimates the number of men engaged in mining at the time as 1,200, about half employed in the eight-hour mines and half in the nine-and ten-hour mines.

EVENTS LEADING UP TO THE STRIKE

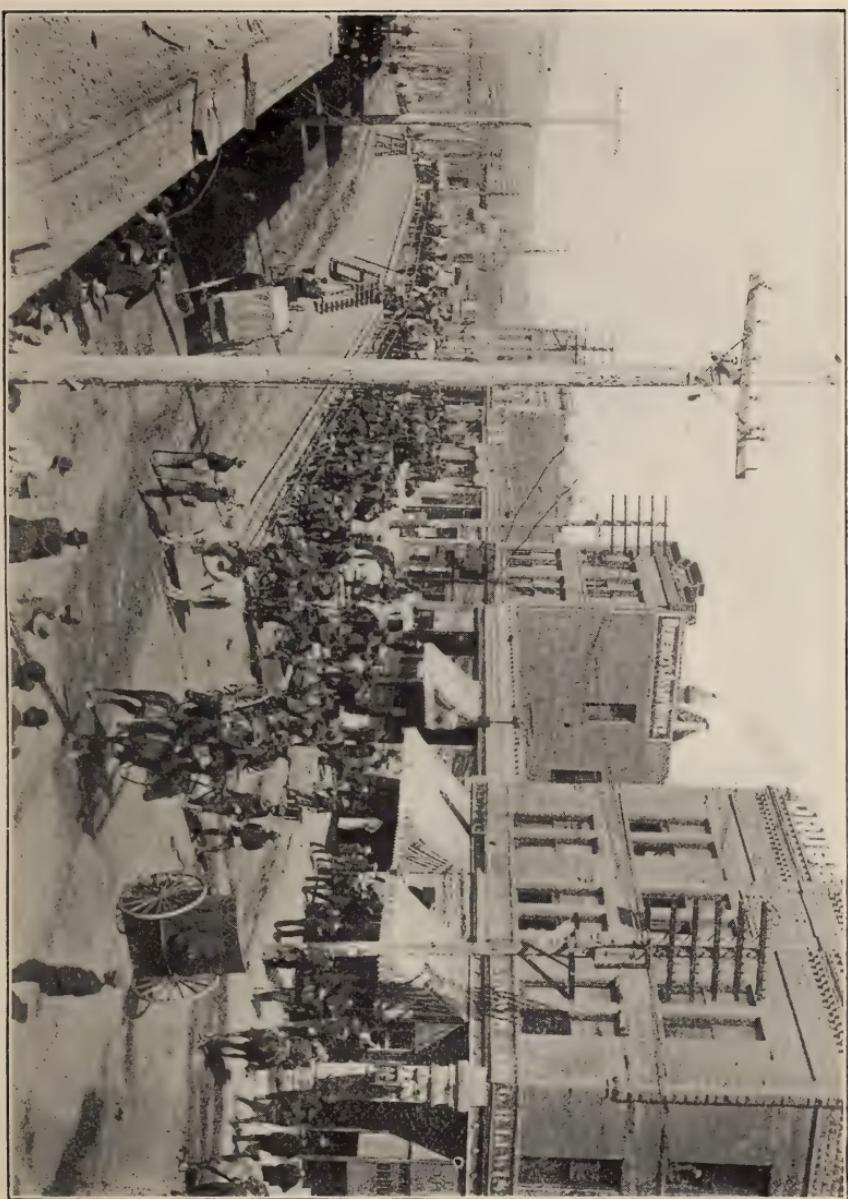
In August, 1893, H. E. Locke became superintendent of the Isabella mine. The Isabella was at that time working an eight-hour shift—seven and a half hours labor, one-half hour for lunch. Mr. Locke had been managing mines in other districts that worked much longer hours, and wished to lengthen the hours at the Isabella. Accordingly on the 17th of the month a notice was posted to the effect that, beginning with the following Monday, a mine shift would be ten hours, with one hour off for lunch.

On Sunday the miners held a meeting at which they agreed not to submit to the schedule, and when Monday morning came they did not go to work. When Superintendent Locke arrived at the mine the men met him, and a heated controversy ensued, Locke trying to bully the men into going to work, and the men trying to force him to rescind the order. After telephoning to Colorado Springs Mr. Locke concluded to withdraw the order for the time being, and later in the day the men went back to work on the old eight-hour schedule.⁸

The trouble at the Isabella seemed to arouse both sides to the danger of the situation, and the necessity for prompt action. A committee of miners was appointed to draw up resolutions, and soon after steps were taken to form unions. The Altman Union was the first to organize, and was admitted to the Western Federation of Miners, as Free Coinage Union No. 19, on the 12th of December. Following Altman, unions were formed at Cripple Creek, Victor, and Anaconda, with a total membership on January 1st of about eight hundred. At the time of the strike only Altman Union No. 19 had been admitted to the Federation. To secure authority and uniformity of action all the unions worked under the Altman charter, and the president of Altman Union was executive officer for all the unions of the district.⁹

⁸From the account of Mr. E. W. Pfeiffer, Chairman, Board of County Commissioners of Teller County (1903), who was a miner in the Isabella during 1893. There have been various conflicting stories as to the earlier stirrings of the difficulty. Mr. Pfeiffer's personal observation gives authenticity to his account.

⁹From John Calderwood's account of the formation of the unions: "Mr.



CRIPPLE CREEK UNDER MARTIAL LAW. GUARDING THE DISTRICT COURT.

So Altman, peopled almost entirely by miners, and located strategically within the mining area, became the center of the union movement and the seat of authority for the organized miners. Colorado Springs, the county seat of El Paso county, was the home of fully three-fourths of the principal mine owners of the district, and naturally became the center of the mine owners' movement. The Cripple Creek District being at that time included in El Paso County, there were thus two centers about which the coming conflict was to develop, Colorado Springs, the seat of county authority and the stronghold of capital, and Altman, the active scene of controversy and the stronghold of labor.

While the unions were organizing, the mine owners were not less active. Frequent conferences were held relative to the establishment of a uniform working day and the question of lengthening hours was constantly agitated among the owners of eight- or nine-hour mines. Finally, in the early part of January, the owners of the eight-hour mines came together in an agreement to increase the working day at their mines to ten hours, nine hours labor and one hour for lunch. Notices that set forth the agreement, and made February 1st the time for lengthening working hours, were received by the mine managers for posting, about the middle of the month. The appearance of the notices, first at the Pharmacist, then at the Isabella, Victor, and Summit mines, caused considerable stir among the miners.¹⁰ Meetings of the unions were called immediately, at which resolutions

McIntosh immediately began corresponding with the men at Altman who were taking the lead in forming a union, with the result that a union comprising about 300 miners was instituted in the fall of 1893. Mr. McIntosh returning to Aspen shortly afterward, appointed myself his deputy, with instructions to organize the remainder of the district, with the result that in less than sixty days I had instituted unions in Cripple Creek, Anaconda and Victor. This achievement, in so thoroughly unionizing the district, was rewarded by a request for me to become president of Altman Miners Union No. 19. I did so. Although four unions had been organized in the district, only one charter had as yet been granted by the Western Federation, that to Altman Union No. 19. Each of the other unions elected a full set of officers, with the exception of president, working under the Altman charter; the president of that union presiding over the remaining unions in the district."

¹⁰The notice at the Pharmacist was posted January 17th, and was followed by the others a few days later.

were passed not to work in mines attempting to lengthen the labor day.

Manager Locke of the Isabella had never been popular with the mining men. He had been the first to conceive the idea of lengthening the working day, and the men now blamed him entirely for the present movement, and became very bitter against him. Becoming frightened he applied to the sheriff for a guard of deputies, and never appeared without them. In riding to and from the mine he was always preceded by an armed deputy, and followed by another one. This only increased the feeling against him, and a plan was finally made for his capture and eviction from camp.

On the morning of January 20th a large body of men collected in the rear of the Taylor Boarding House, and when Mr. Locke and his deputies came along, they were surrounded, disarmed, and started off on foot down the hill. Arriving at the Spinney Mill near Grassey, Mr. Locke, intimidated by threats, took an oath that he would never return unless permission were given by the miners, and that he would give no information against any one for driving him from the district.¹¹ He was then given his horse, and started off toward Colorado Springs, where his arrival late in the evening produced great excitement. One of the deputies captured with Mr. Locke was a man named Wm. Rabedreau, who will appear several times later in the difficulty.

The miners' unions had already agreed that the men should be called out from all mines that attempted to lengthen the working shift. On January 8th they went a step further and demanded a uniform eight-hour day for the whole district.¹² February 7th was set as the date for calling out all men working over eight hours.

The two sides were thus arrayed against each other, the mine owners standing for a ten-hour day, the miners for an eight-hour day. In the contest that was to follow the conditions were decidedly favorable to the owners. As we have seen, the coun-

¹¹ Accounts by eye witnesses.

¹² By resolution passed after a speech by President Calderwood strongly urging such action.

try was in the throes of a financial panic, and as far as the labor market was concerned the purchasing power of money had doubled. Thousands of men were unemployed, and willing to work for almost any wage. The mines were generally dry, and would not suffer from a few months' idleness, and there were no expensive plants to depreciate in value by lying idle. Two railroads were being built into camp, and a wait of a short time would simply mean a saving of about three dollars a ton on the transportation of ore. The conditions for the miners were disheartening. Provisions and rents were very high; their unions were but newly formed, only one having a charter from the federation; there had not been time for the development of a strong unity of feeling, for thorough organization or for the collection of a large treasury fund upon which to draw—things so necessary for strength in a strike. When one reads, then, that the miners won their fight, he will expect to find that extraordinary forces had been acting, and that startling things had happened, nor will he be disappointed.

The key to the explanation is to be found in the character of the men themselves. It must be remembered that Cripple Creek was not the ordinary mining camp, but a newly settled, essentially frontier, district. The men were not of the mining population familiar to the coal fields—foreign born, ignorant, used to obedience, easily cowed—but of the characteristic frontiersman type, come not so much to find work as to seek a fortune. Rough, ready, fearless, used to shifting for themselves; shrewd, full of expedients; reckless, ready to cast everything on a single die; they were not the kind of men to be caught napping, or to be turned from their purpose until every possible resource had been tried. They would act quickly, shrewdly, and effectively; withal straightforwardly, but with small respect for authority, and none too much for law. Nor were the mine owners generally of the usual capitalistic type. The majority of them were as much frontiersmen as the miners themselves, men who had gained their wealth by successful prospecting, or by lucky buying in the early days of the camp. It was Greek against Greek, similar ideas and strong methods on both sides.

CHAPTER II

THE TWO CRISES

THE FIRST CRISIS

Several attempts were made to get the two sides together in a compromise before February 1st. On the evening of January 28th, mainly through the influence of Cripple Creek business men, a meeting of miners, mine workers, and neutrals was held at the Palace Hotel, Cripple Creek. The miners proposed as a compromise, that the mines be allowed to work just as they had been doing, the eight-hour mines to continue on the eight-hour schedule, and the nine- and ten-hour mines on the nine- and ten-hour schedules. The owners, however, took no action on the proposition.

On February 1st the mines that had posted notices went on the ten-hour shift. The men walked out, closing them down. On February 7th, early in the morning, a party of union men started the round of the district, stopping at every long-time mine and calling the men out. By noon every nine- and ten-hour mine in the camp was closed. The Pike's Peak, the Gold Dollar, the Portland,¹ and a number of smaller mines, acceded to the eight-hour request, and continued to work.

The following month was one of comparative quiet. The men

¹ President James F. Burns, of the Portland, in a published letter concerning the attitude of the Portland, said: "During the time of what was known as the 'Bull Hill War' or more correctly speaking, the labor trouble of 1894, the Portland was working about 125 men, while the principal officers and stock-holders—including myself—lived at the mine and were in the closest possible touch with all employees, knowing each other personally. During the time that trouble existed elsewhere in the district, everything went smoothly at the Portland. We had been paying \$3.25 per shift of 9 hours, which permitted the working of only two shifts. We promptly made a new scale of \$3.00 for 8 hours which was accepted by the union, and 3 shifts instead of two, put to work."

conducted themselves in an orderly manner, and were content with strengthening their organization in every way possible. John Calderwood was elected president of the unions.² Mr. Calderwood had been influential in the organization of the Western Federation of Miners. He had also been president of the Aspen Union, and his intimate knowledge of labor organizations, and general popularity with the men, secured his election to the presidency. Throughout the strike he showed himself an able and efficient officer.

The immediate task before the union was to provide a relief fund. This was done in several ways. The men who remained at work on the eight-hour schedule were taxed \$15.00 a month. The Green Bee Grocery Company of Cripple Creek gave credit amounting in the end to about \$400; \$1,000 was loaned by business men of Cripple Creek, \$700 was received from the miners of the San Juan country, and \$800 from the Butte, Mont., unions. Empty boarding houses were occupied by the unions; cooks volunteered their services; and everything was run on as economical a scale as possible. In this manner the months of the strike were passed without much pinching. Many of the men occupied themselves with prospecting and developmental work, or tried their luck in the small and poorly paying placer area.

By the last of the month the smelters of the state were all running with reduced forces, or had shut down entirely. Early in March the Gold King and Granite mines agreed to the eight-hour schedule, and resumed work.³ Following this, determined efforts were made to reopen several mines on the ten-hour schedule, but the miners were able to keep them closed. Men sent up were persuaded if possible to quit and join the union,

²Mr. Calderwood was born in Kilmarnock, Scotland, and was put to work in the coal mines of that place when nine years old. He gained a common school education through the night schools of that town. Coming to this country when a young man of seventeen, he engaged in mining in the eastern states for a number of years. He then attended the McKeesport school of mines, and upon being graduated in 1876, came to Colorado. Here he held various mining positions, and came to Cripple Creek in November, 1893. After the strike he remained in the district as an assayer.

³President Calderwood estimates that 300 union men were at work in the eight-hour mines after this time.

otherwise they were threatened and intimidated until they did not dare go to work. The men were beginning to feel ugly, and a number of mines were being put under the guard of armed deputies.

March 14th, on the application of several of the mining companies⁴ Judge Becker, of the district court, issued an injunction against the miners enjoining them against interfering in any way with the operation of the Cripple Creek mines.⁵ Sheriff Bowers took one hundred copies of the injunction to Cripple Creek next day, and spent the entire day in posting them throughout the district. The Summit, Victor, Raven, and Anaconda mines made attempts to open, but only from two to five men appeared at each.

Feeling was running high among the miners regarding the injunction. The sheriff feared trouble, and on his return to Cripple Creek telephoned to Colorado Springs for additional deputies. Soon after he was called to answer a telephone message from the Victor mine. The superintendent of the mine had, a few days previously, asked that a number of men be deputized to protect it. He now reported that men were collecting around the shaft house in a threatening manner, and asked for additional protection. The sheriff replied that he should have it. A wagon was procured, and six men hastily deputized and started out for the mine.

It was a rough mountain road along which the men had to travel, full of stones and ruts among which the wagon lurched heavily. In the darkness it was impossible to make out the path, the instinct of the horses had to be trusted to keep it. At one point about a quarter of a mile below Altman the road passes through a short ravine. Huge rocks lie piled around, leaving scarce room for a wagon to pass, and a thick growth of bushes lines the way and runs up over the hillsides. As they reached this point there was a quick rush of dark forms from behind bush and stone, and a cry of "Hold up your

⁴The Gold King, the Strong, the Isabella, the Victor, the Summit, the Zenobia, the Ingraham, and the Free Coinage Mining Companies.

⁵Copy published in Colorado Springs *Gazette*, for March 15th.

hands! Surrender!" Someone fired a shot; there was a quick skirmish; a deputy got a ball through the arm. Then they were overpowered, bound, and marched off in silence up the hill.

To understand what had happened we must go back a few months to the time when Altman was incorporated as a city. The residents of the place were for the most part miners, and with the idea of investing the miners' union with all possible civic authority, officials of the union had been elected to all city offices. Thus it happened that Mayor Dean of Altman, and City Marshal Daly, were former members of Altman Union No. 19. The Marshal had word by telephone early in the evening that a number of deputies would be sent along the road that passed Altman. He accordingly appointed a number of special police, and the police of Altman ambushed the El Paso County deputies, and took them prisoners.

The deputies were marched into Altman and shut up in the school house. Later in the evening they were taken before Police Judge Bengley⁶ and examined on a charge of disturbance of the peace and carrying concealed weapons. Upon showing their credentials as deputy sheriffs, they were released and sent back to Cripple Creek. The city was in need of arms so the deputies went back weaponless.

Meanwhile news had reached Sheriff Bowers that his deputies had been captured, that a fight had ensued, and that Altman was in an uproar. In half an hour Cripple Creek looked as if an army had descended upon it. All the livery stables in the city had been called upon for their horses, and Bennett Avenue for a block was full of mounted men. Every able-bodied man procurable had been deputized and armed, and a military formation was being effected as rapidly as possible. The sheriff was preparing to rescue his men with all the force he could muster.

The tension was broken, however, by the return of a deputy with news that the rest had been released, and were following him in.

The following morning the air was full of rumors. Several

⁶ Also a member of the federation.

men were reported killed or wounded; the miners were said to be in arms everywhere, and to be guarding all roads leading to Altman. Sheriff Bowers, after advising with the district court judge at Colorado Springs, made a call for the state militia. Governor Waite immediately issued orders to Company A of Colorado Springs, Company C of Pueblo, and Companies B, E, and K of Denver, and the Chaffee Light Artillery, about three hundred men in all, to proceed with all possible dispatch to Cripple Creek and preserve the peace. These troops collected in Colorado Springs under the leadership of Generals Brooks and Tarnney on the day following. They were taken to Midland over the Colorado Midland Railway and after an all-night march over the mountains, arrived at Cripple Creek early the next morning.

In the meantime Sheriff Bowers had secured the arrest of Mayor Dean and Marhall Daly of Altman, and President Calderwood of the Altman Union. He now made a flying trip to Colorado Springs with the three men, and secured warrants for eighteen more. Calderwood, Dean, and Daly were released on bail, and made a tour of the principal cities of the state, holding mass meetings in the interest of the miners. Sheriff Bowers returned to Cripple Creek with his warrants, and called upon General Brooks for aid in serving them. General Brooks inquired if there had been any resistance made to arrests. The sheriff replied that there had not. The general then refused to aid in making the arrests, upon the ground that he was there simply to preserve the peace, and as much to protect the miners as the county authorities.⁷

⁷ The above is Sheriff Bowers' account of the dispute. The Adjutant General gives the story somewhat differently.

"Early in the day General Brooks and myself were asked to a conference with the officials of the county and the business men of Cripple Creek, whom we met to the number of perhaps 30 at the Palace Hotel. They represented to us the terrible conditions existing in the city and adjacent mining camps, representing that there was no safety for life or property in either, and declaring that the civil authorities were unable to preserve the peace; that the roads and trails were guarded by armed men, openly defying the officers of the law. The sheriff of the county, Mr. M. F. Bowers, was present, and declared his inability to serve the processes of the courts. A careful inquiry into these affairs by General Brooks and myself disclosed the fact that no person in the county had been charged with the commission of any offence in regard to the existing

On the same day⁸ the union officers were called to a conference with the generals at the Palace Hotel. The union men asserted that they had never had the slightest intention of resisting the sheriff, or of adopting violent measures; that the whole action had been taken by the city officials of Altman, who had thought the movement of the deputies an attempt to capture the city. They asserted that no resistance whatever had been made to arrests, and that none would be made.⁹ Their statements were telegraphed the governor, and at the same time the following message was sent by the trustees of Altman: "Militia arriving in Cripple Creek. Did you send them and what for? Everything quiet here." Next day the troops were recalled.¹⁰

During the last few days of excitement another movement had been on foot looking toward a compromise. Just before his arrest, President Calderwood met in conference at the Independence mine with W. S. Stratton and Chas. Steele. After considerable discussion Mr. Stratton proposed as a compromise to lay before the union, that the mine should work a nine-hour day shift and eight-hour night shift, with pay at \$3.25. The union at first rejected the offer, but two days afterward reconsidered, and accepted it. The Independence started on the new schedule March 19th. None of the other mine owners followed Mr. Stratton's example, however, so the movement was without much result. It is to be regretted that the other owners did not see their way clear to follow Mr. Stratton's action. Had they been as willing to come to a compromise at this period as were the miners, the difficulty would probably have been settled on the

labor troubles, and that no warrant or other process of court had ever issued, and that neither the sheriff nor any of his deputies had ever been resisted in any way, nor had Sheriff Bowers ever been, or had he ever sought to go to Bull Hill, where it was alleged the trouble existed. After this conference I told Sheriff Bowers that the troops were there at his solicitation, but only in aid of the civil authority in the service of process; that on his own showing no process had issued from the courts, the military was not subject to his order, and that the facts in the case would at once be made known to the governor."

⁸ March 18th.

⁹ "That no resistance to constitutional authority had been offered by anyone in the mining districts, and that no disturbance of any kind had occurred beyond the ordinary small offenses that are constantly occurring in mining camps."

¹⁰ For copies of the military orders of this time, and messages, see *Biennial Report of Adjutant General 1893-4* p. 35 and following.

spot, and all the turmoil, danger, and expense of the months of May and June avoided.

THE SECOND CRISIS

There followed a period of six weeks of comparative quietness. The eighteen miners against whom warrants had been issued submitted peaceably to arrest. All pleaded not guilty in the district court at Colorado Springs, and all were upon trial acquitted.¹¹

The troublesome week in March had advertised the strike widely through the newspapers, and the result was a large influx of a rough element into the district. The most turbulent element from the Cœur de A'lène District came in large numbers, and tramps, and criminals, and roughs of all description flocked in from all directions.¹² Many of these men were admitted to the miners' unions. And here is where the union made its great mistake.¹³ The evident willingness of the union to come to a compromise in the trouble, the peaceful submission of its members to arrest and their acquittal by the courts, and the mass meetings held by President Calderwood, had gained a large degree of sympathy for the men throughout the state. But the overt acts later committed by a few criminal men, and the reign of terror brought on by the rougher element, lost them the prestige which they had earlier gained, and brought upon them the just condemnation of the law-abiding citizens of the state.

¹¹ See *District Court Records*, Colorado Springs, June—August, 1894.
People vs. Calderwood, Dean, Daly et al.

Several cases, all of which were dismissed but two, which resulted in acquittals.

¹² It has been frequently stated that numbers of the famous Molly Maguires, of Pennsylvania, came to the Coeur de A'lène District, and that, the organization being broken up there in 1893, descended upon Cripple Creek. No direct evidence has ever been adduced on this point.

¹³ A number of the more conservative members of the unions left them because of the dangerous element admitted at this time. A noteworthy case is that of E. W. Pfeiffer (see as County Commissioner in the strike of 1903-4). He was later opposed politically by some of the unions for this action.

It will be remembered, that at the time of the first trouble between Superintendent Locke and the employees of the Isabella, one of the deputies captured with him was a man named Wm. Rabedeau. Mr. Rabedeau was also warned to leave camp, and did so, but returned shortly afterward. He was deprived of his commission as deputy by Sheriff Bowers, but remained as a guard in the employ of some mine owners.

On April 8th the miners' union started out in a body to attend the funeral of a miner who had been killed in an accident. Scattered around everywhere they found "dodgers" calling a meeting at Anaconda for 11 o'clock, the time set for the funeral. The funeral services were short, and the men hurried over to Anaconda, where they found the meeting already called to order, with Rabedeau and another man named Taylor presiding, and Rabedeau making a speech in favor of going to work on the ten-hour schedule. It was evident that the scheme was to have the meeting pass resolutions favoring going to work on the ten-hour schedule, and to report in such a way to the press as to give the impression that the majority of the men were in favor of going to work, but were being intimidated by radical members. The men were greatly infuriated. Rabedeau was taken from the platform and terribly beaten. Later he was subjected to all sorts of indignities, and run out of camp, with the threat that next time he showed his face in the district his life would pay the forfeit.

During the latter part of April, and throughout May, conditions grew steadily worse. The rough element was gradually becoming more prominent, and the men were getting into a more threatening mood. Small bands of men raided throughout the district, stealing provisions and arms and ammunition, getting into drunken rows, and sometimes maltreating non-union men. Many of the smaller merchants in isolated places closed their stores entirely, and families in the unsettled districts very generally moved into the towns.¹⁴ Sheriff Bowers spent his whole time in the district, but hampered by the re-

¹⁴ From the testimony of a number of small storekeepers, and families occupying outlying cabins, who deserted their homes and stores, sometimes to have them raided in their absence.

fusal of the county authorities to furnish sufficient deputies, found it exceedingly difficult to preserve any semblance of order.

Early in May various discussions were held among mine owners relative to making a determined effort to open the mines. It was felt that something must be done soon. No mines had been able to open as yet, and under the present conditions, violent opposition was expected. The movement finally resulted in the quiet circulation of a subscription paper, and the offer by the mine owners to the county to advance arms and money, if a large body of deputies should be enrolled to protect the opening of the mines. The offer was accepted by the county commissioners, and steps were taken to carry out the plan at once.

Word of the plans of the mine owners had early reached the miners and they began to prepare to resist to their utmost. President Calderwood was in Salt Lake City attending a convention of the Western Federation of Miners, and J. J. Johnson¹⁵ came to the front as the military leader of the union. Mr. Johnson proceeded to get the miners into as complete military organization as possible. Headquarters and a military camp were established on Bull Hill.¹⁶ The choice was an unusually fortunate one. Bull Hill is a high steep bluff, overlooking the town of Altman. It overtops several of the most important mines, and is at once the most commanding and most inaccessible point in the district. A large boarding house was established, a commissary department put in operation, systematic search made for arms and ammunition; and as thorough military discipline enforced as was possible under the conditions.

On May 24th, one hundred twenty-five deputies, largely ex-

¹⁵ Mr. Johnson was a native of Lexington, Ky., growing up among the feuds of that state. He attended West Point for three years, but was dismissed before the completion of his course for participating in a hazing scrape. Drifting west he took up mining at Aspen, and later came to work at Cripple Creek. At the close of the strike he left the state to avoid arrest. On the opening of the Spanish War he was appointed colonel of an Arkansas regiment, but died while on the way to the sea coast with his command. He was a man of unusual ability, and of considerable military genius.

¹⁶ There was a report, generally believed at the time, that an immense log fort had been built on Bull Hill, and a cannon placed in it. No such fort was built, nor did the miners possess a cannon at any time.

police and ex-firemen, left Denver in command of ex-Chief of Police J. C. Veatch. They were armed to the teeth, and prepared for immediate action. The miners had news of their departure, and prepared to give them a warm reception. There was still an insufficient supply of fire arms, so a raid was made on a Cripple Creek hardware store for rifles and ammunition; the Victor Mine also was held up and a number of Winchesters taken from it. The commissary department got in a number of range cattle. Orders were issued, and everything put in readiness.

The deputies arrived next morning on the Florence and Cripple Creek Railway, and prepared to go into camp in full view of Bull Hill. The miners had prepared to show that they were determined, and to give the deputies an object lesson. As the train pulled into view a party of men hastened down the hill, warned everyone away, and placing large charges of dynamite in the shaft house of the Strong mine blew it to pieces with a tremendous explosion.¹⁷

Then pandemonium broke loose. The day before the Florence and Cripple Creek Railway had completed the grading on its line and discharged nearly two hundred laborers, each with a

¹⁷ It has been generally believed in some quarters that the blowing up of the Strong mine was accomplished by Mr. Sam Strong himself, in order to prevent the property from being worked, and in this manner to break the valuable lease, which would revert to himself. This is exactly what did happen, and Messrs. Lennox and Giddings, the lessees of the mine, later brought suit for heavy damages against Mr. Strong on the above charge. The admission by prominent union men that the mine was really destroyed by a party of miners now settles the question beyond doubt, and clears Mr. Strong of all suspicion.

Following is the account given by President Calderwood. See Langdon, Mrs. Emma F., *The Cripple Creek Strike*, p. 41.

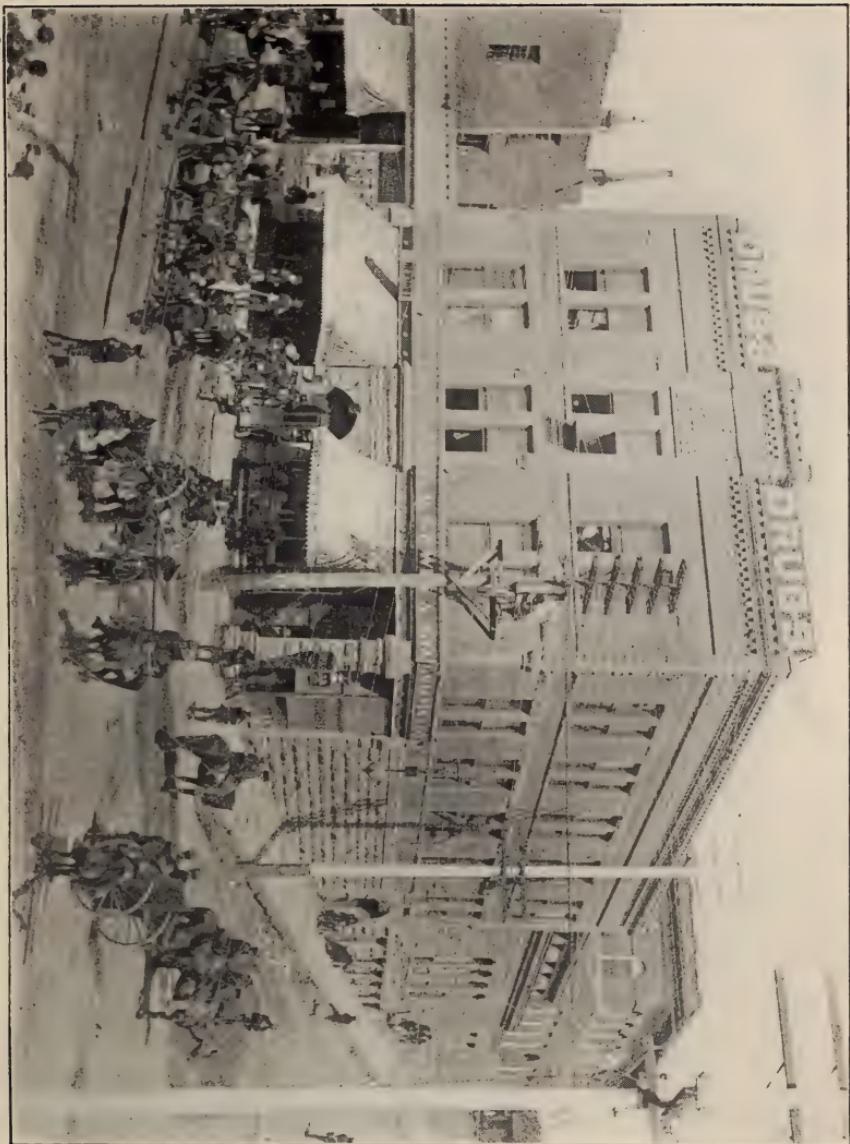
"The following morning a number of men quietly entered the building of the Strong mine and ordered Sam McDonald, Charles Robinson and Jack Vaughn to come out. They declined to do so and retreated down the shaft. Dynamite was then deliberately placed in the boiler inside the shaft house, and with an electric battery, the same was exploded, demolishing the building together with its valuable machinery. Great interest in the fate of Sam McDonald and the two men with him in the shaft of the destroyed Strong mine was felt, but twenty-six hours after the calamity, voices were heard in an old shaft connected with the main shaft of the mine by a drift, and the imprisoned miners were taken out. After getting washed and something to eat, they were taken to what was known as 'Bull Hill stronghold.' Charles Robinson suffered considerably as a result of his terrible experience, but none of the others suffered to any extent. Who was responsible for the destruction of the Strong mine is still a mystery."

pay check of from ten to twenty dollars. These men all came into camp; pay checks were exchanged for cheap whiskey, and the usual result followed. At such times every man considers every other man his chum and whiskey is free for everybody. Railroad men, miners, toughs, all shared in a terrible debauch, and by the time the Strong mine was blown up hundreds of men were crazed with liquor. A car was loaded up with dynamite, and prepared to run down into the deputies' camp and blow them into atoms. But the deputies had taken warning and retired several miles down the track to a safer place. Then the cry went up to destroy the mines. Men ran for dynamite and fuse, and for a time there was every reason to expect enormous destruction of property. But Mr. Johnson, with the help of his aids, had been working constantly, asserting his authority and endeavoring in every way possible to quiet the men. At last he succeeded by diverting their attention toward attacking the deputies, in getting control of them, and the danger was avoided.¹⁸

The energy diverted from the destruction of property expended itself in an attack upon the deputies. The deputies, it will be remembered, had become aware of the danger of their position, and retiring some distance down the track they had gone into camp at Wilbur. Just where they were the miners did not know, but it was determined that wherever they were, an attempt should be made to capture them and get possession of their arms. Arms were still lacking at the miners' camp.

About midnight a Florence and Cripple Creek construction train was captured, quickly filled with men, and with a miner at the throttle, started down the track for the deputies' camp. The deputies, anticipating attack, had pickets out in all directions. Unawares the train ran into the the picket line. A few quick shots brought it to a standstill. The miners poured out among the rocks; the deputies, roused, hurried to the assistance of their pickets, and the fight was on. There was no semblance

¹⁸The miners' unions, and the people of the state in general, owe a debt of gratitude to Mr. Johnson for his heroic work on that day. Had hundreds of drink-crazed men broken loose with unlimited whiskey and unlimited dynamite, the result had defied description. Scarcely a mine in the district would have been left whole, and one may hardly hazard a guess as to other consequences.



STATE MILITIA ON GUARD AT DISTRICT CC, DURING HABEAS CORPUS TRIALS.

of order. Every man fought for himself, shielding himself so far as possible behind tree or rock, and firing in the darkness at the flash of the opposing guns. Five miners got separated from the main body and into a swarm of deputies, and were captured. A deputy, the man named Rabedeau who has appeared before in these pages, received a shot in the chest and was killed almost instantly. A miner, George Crowley by name, was accidentally shot from behind by one of his comrades and was found dead in the morning.

A half hour's fighting convinced the miners that they could gain nothing. Skipping from rock to rock, and firing as they went, they began a gradual retreat up the valley. The deputies held their position. Little by little the firing ceased. All was quiet again, and doubling their pickets, the deputies turned in for the remainder of their night's rest.

News of the blowing up of the Strong mine reached Colorado Springs early in the day and caused great excitement. Later the feeling was intensified by the arrival of Mr. Strong himself, who had witnessed the destruction of his property, and ridden all the way to bring the news. A number of men were known to have been in the mine at the time of the explosion, and they were all supposed to have been killed. Business was suspended, and excited groups of men discussed the question along the streets everywhere.

A mass meeting was held in North Park, at which resolutions were passed calling upon the county authorities to put down the insurrection of the miners, and to restore law and order at whatever cost. In the evening a call went out from the sheriff's office asking for volunteer deputies to go to the scene of action, and calling upon all citizens to bring in arms to equip the posse. Over a hundred armed men left the city for the deputy camp next morning, and another hundred on the day following. Men were also being hurried in from Leadville, and Denver, and all the surrounding country. The deputy camp was transferred from Wilbur to Divide, a point farther north on the Colorado Midland Railway, and here all the new recruits came.

Miners heard men talking down in the shaft of the Strong mine, and compelled them to come out. They proved to be

Superintendent Sam MacDonald, Engineer Robinson, and Miner Greenough, the men who were known to have been in the mine when it was blown up, and supposed to have been killed. Between hunger, and cold, and smoke from the burning timbers, they had had a terrible and almost fatal experience. They were taken to Bull Hill by the miners, and held as prisoners in retaliation for the capture of the five miners at Wilbur.

Governor Waite issued a proclamation on the 28th, in which he called upon the miners to desist from their unlawful assembling, to lay down their arms, and cease their resistance of the law. At the same time he declared that the assembling of a large force of deputies by the county authorities, largely from outside the county, was illegal, and demanded that it be disbanded immediately.¹⁹ An order was issued calling upon the state militia to be in readiness to move at a moment's notice.

President Calderwood had returned from Salt Lake City on the same day that the Strong mine was blown up. Instantly perceiving the danger of the situation, and the remedy, he set about getting all the saloons of the district closed for a period of two days. He succeeded, and at the end of the time the men had come to their senses again, and some degree of quiet was restored. The union was aroused at last to the necessity of getting entirely out of sympathy with the lawless element that had come in, and a volunteer committee of fifty took in charge the running out of camp of toughs and thugs.

¹⁹ Governor's Proclamation, May 26, 1894.

cf. also Last Message of Governor Waite to the Legislature.

CHAPTER III

THE FORCING OF THE ISSUE

ATTEMPT AT ARBITRATION

During the exciting events of these few days, a quiet movement had been started in Colorado Springs aiming at a compromise. To the more conservative and thoughtful citizens the situation at Bull Hill seemed one of grave concern. Should the two bodies of armed men that stood face to face, constantly augmenting their numbers, and becoming daily more deeply embittered against each other, come into conflict, the loss of life, terrible as it might be, would be but the beginning of the disastrous results that would follow. Everything possible, it was felt, must be done to prevent a clash. Could the two sides be induced to hold a conference, the seriousness of the situation would tend to force both to make concessions, and a compromise might be effected. But how get the two factions together? Some man must be found willing to undertake the work who was well known, whose neutrality would be trusted by both sides, and who would have no interest in subordinating the main object of his work to political ends of his own. He must be a man, moreover, who would be willing to take some personal hazard in the matter, for judging from the reports that had come to Colorado Springs, an outsider who should attempt to go on Bull Hill would take his life in his hands.

The movement resulted in a call upon President Slocum, of Colorado College, by J. J. Hagerman, one of the most prominent and conservative of the mine owners, with the request that President Slocum go to Bull Hill as a neutral party, to see what the attitude of the miners would be toward an arbitration committee. President Slocum would be authorized to say that

the mine owners were willing to meet the miners in such committee, and to make some concessions toward a compromise. After some discussion the president agreed to go. The Rev. E. Evans Carrington, who was well known as a friend of organized labor, also several members of the Colorado Springs labor unions, were asked to accompany Dr. Slocum.

The party left Colorado Springs late Saturday evening, May 26th, arriving in Cripple Creek early Sunday morning. Communication was held with President Calderwood over the telephone, and then the party started out on foot for Altman. As they arrived at the foot of Bull Hill a sentry stepped from behind a rock, and with levelled Winchester, and the cry "Hands up!" brought them to a standstill. Upon learning their names and business the sentry said he had instructions to pass them, and proceeded to conduct them to Altman and the headquarters of the union.

At headquarters the party was met by President Calderwood, who took President Slocum into his office immediately for a conference. Dr. Slocum stated that he came representing no one in particular, but the people of the county in general, to see if some arrangement could not be made to arbitrate the present difficulty. Mr. Calderwood replied that arbitration was one of the cardinal principles of the union, that the union had been willing to come to a compromise all along, and was still willing to do so. Dr. Slocum then asked what conditions they thought they ought to have in a settlement. Mr. Calderwood replied that the men felt that they should have an eight-hour day and a three-dollar wage, and upon Dr. Slocum bringing up the question, added the clause that there should be no discrimination between union and non-union men. The question of a committee was then discussed, and it was practically decided that two representatives of the union should meet two representatives of the mine owners somewhere on neutral ground, and that these four should appoint a fifth, the committee to have authority over the questions in dispute.

Some further conversation ensued, and then Mr. Calderwood invited President Slocum to address the miners. Upon his acceptance of the invitation, runners were sent out through

the camp, and soon between three and four hundred men were gathered. To them President Slocum spoke for about an hour, advising them to meet the mine owners half way in the proposed compromise; calling upon them to respect the laws of the state, and pointing out that an armed resistance of the authorities could only end finally in disaster to themselves. Mr. Carrington and Mr. Collais also made brief addresses.

There were still some effects of the over-abundance of whiskey visible among the men, and some of them were in an ugly humor. So much so that Mr. Calderwood had some fears for the safety of Dr. Slocum while making his address.¹ The party, however, left Altman undisturbed, and returned immediately to Colorado Springs.

On Monday afternoon Mr. Hagerman called President Calderwood by telephone to discuss matters pertaining to the arbitration committee. The miners had held a meeting in the meantime, however, and instructed their president to consent to the committee only on condition that the mine owners should previously agree that union men be given preference in employment at the mines. Upon this condition being communicated to Mr. Hagerman, he replied that the mine owners would never consent to such a condition, and so the attempt to secure a compromise failed.

Later in the day a remarkable event took place on the mesa below Altman. It will be remembered that the deputies had taken five prisoners in the battle near Wilbur; also that in retaliation the miners had imprisoned the three men taken from the Strong mine. President Slocum, while at Altman, had arranged for the exchange of the three men for the five imprisoned miners, and Monday afternoon the exchange took place. A deputy sheriff came up from Colorado Springs with the five miners; one of the union officers came down from Altman with their three prisoners; and meeting in a prearranged

¹ That his fears were not groundless was shown by the fact that an old German stood close to the president while he was speaking, and occasionally rubbing the muzzle of his Winchester against him, would pat it affectionately, and remark: "Dat's good for twenty-five deputies." The man was known by Mr. Calderwood to be one of the worst characters in the union. He was afterward hanged for killing a man in a saloon fight.

spot, the exchange took place with all the military formality of war. This is probably the only instance of a strike in which rights of belligerency were recognized, and a formal exchange of prisoners made.

THE MISSION OF GOVERNOR WAITE

Governor Waite had been closely following events at Cripple Creek. For a week his private secretary, Michael Lorentz, had been in the district making thorough investigations and reporting daily by telephone. Upon the failure of the proposed committee of arbitration pressure was brought to bear on the governor and he finally decided to see what influence his presence at the seat of difficulty would have toward a settlement. He accordingly telephoned the miners of his intended visit and wish to confer with them, and went into the district on the afternoon of May 30th.

The same afternoon a heavy rain and snow storm settled down upon the Cripple Creek District. A few hours of the storm closed the railroads by landslides and cloudbursts, and broke down every telegraph and telephone line, isolating the district completely from the rest of the world for a period of four days.

In Colorado Springs this was a period of great anxiety. The number of deputies at Camp Divide was known to have reached nearly a thousand. They were supposed to be about ready for an attack upon the miners, and news of a terrible battle was expected daily. All sorts of terrifying rumors filled the air. A mass meeting of citizens on the evening of the 30th decided that the city was in danger from the lawless element, and called for volunteers for a "Home Guards" organization to protect the city. About one hundred fifty men came forward, and were formed into squads which patrolled the outskirts of the city night and day. A Woman's Relief Association was formed, to prepare medicines and bandages, and make plans to care for the wounded in the coming conflict. A 4-11 alarm on the fire bell was arranged for as a danger signal. A wild report caused the alarm to be sounded one night. The Home Guards turned

out in mass, and every other able bodied man who could find a weapon followed, and the city was in an uproar until morning.

At the deputy camp the days passed in quiet preparation. Strict military discipline prevailed. The men were comfortably housed in huts built of railroad ties and in box cars. Pickets were posted in all directions to guard against surprise. There was daily drill and instruction in tactics. As soon as the storm ceased and the roads were open there would be enough men for the forward move, and the men waited eagerly for the time.

The effects of the storm were most severe at the miners' camp on Bull Hill, and the fortitude of the men through the days of snow and rain gave conclusive proof of their determination. Strict military discipline was in force here also. There was daily drill, and a daily session of court martial. The men were fed at the army boarding houses, supplied by the commissary department. Every few minutes throughout the day an aide left "General" Johnson's headquarters with orders for some part of the camp. The picket system was perfect; every road was guarded for miles around Bull Hill.

Governor Waite got into Altman ahead of the storm, and immediately held a conference with the union. In a lengthy speech he promised the men his friendship and help in settling their difficulties. At the same time he demanded that they cease their violent opposition to law, and appoint a committee to confer with the mine owners relative to a compromise. The union elected the Governor and President Calderwood a committee with absolute power to act for them in a settlement, and on the day following they left for Colorado Springs.

The condition of the roads was such that the trip to Colorado Springs occupied three days. The party had to walk all but fourteen miles of the distance to Florence. Then the tracks were found to be washed out between Florence and Pueblo, and a long detour had to be made through La Junta. Finally, about noon, June 2nd, the train bearing Governor Waite and Mr. Calderwood pulled in at the Denver and Rio Grande station at Colorado Springs. Word of their coming had been telegraphed

ahead to Mr. Hagerman, and arrangements made for a conference at Colorado College in the afternoon.

At 3 o'clock the conference met in the society room of Palmer Hall—now the hall of Cutler Academy. Governor Waite, acting for the miners, and J. J. Hagerman, for the mine owners, discussed the question formally. Besides these two gentlemen there were present President Slocum, of the college; Judge Lunt, W. S. Jackson, and a number of others.

Mr. Hagerman opened with a statement of the difficulty, and the attitude of the mine owners toward it. Governor Waite spoke urging that the trouble be settled in some way, and ended by setting forth the conditions under which the miners were willing to return to work. These conditions were, briefly:²

1. An eight-hour working day for which \$3.00 should be paid.
2. None but union men to be employed.
3. No one to be prosecuted for any act committed during the strike.

To the first proposition Mr. Hagerman replied that it would be conceding all that the miners had originally struck for, and would be no compromise. Concerning the second, he said that he would never be a party to an agreement that militated against the right of any American citizen to take work wherever he could find it. Regarding the third, he said it was inconceivable that the governor of the state should object to the law taking its course, and that in any event that was a matter for the El Paso County authorities, not the committee, to decide. The argument finally narrowed to the matter of the employment of non-union men, and waxed warmer and warmer, the governor especially becoming greatly excited and using the strongest kind of language. Three hours had passed and nothing was yet accomplished, when word suddenly came to the conference that the building was surrounded by armed men, and that the campus was rapidly filling.

News that Calderwood had come to the city with the governor spread rapidly through the city in the early afternoon, and

² Account by President W. F. Slocum of Colorado College, who was present during the entire conference.

everywhere groups of men discussed the possibility of his being arrested while under the protection of the governor. The newspapers of the Springs had blamed Mr. Calderwood with everything real and imaginary that had happened recently at Cripple Creek, and feeling against him was running high. Such a chance to get hold of him it was felt ought not to be let go by. Some hothead suggested that if the law could not reach him the people could, and declaring that he would shoot him on sight, started off with his gun for Palmer Hall. Others, among them several prominent citizens of the city, followed his example, and soon there was a string of armed men hastening toward the college. Excitement became intense. Downtown on the street corners men harangued the ever-increasing crowds. The cry went up to lynch Calderwood and the governor, too; and being taken up was repeated on all sides. Self restraint was thrown to the winds and there was a general rush for the college campus.

At Palmer Hall word was sent in that the building was surrounded, and that two or three men were even in the hall declaring that they would shoot Calderwood when he came out. There was a hurried adjournment, followed by a rapid making of plans. Judge Lunt stepped out on the porch and began an impassioned speech to the crowd on the terrible disgrace they would bring upon the city if they should lynch President Calderwood, and especially if they committed any overt act against the governor. While he held their attention, the governor, with Mr. Calderwood on one side and Private Secretary Lorentz on the other, slipped quietly out at the rear door, and hurried across the campus to the cab which was waiting for them. They were driven to the depot, where the governor's private train was waiting for them with steam up, and soon after pulled out for Denver. Just before the train left Colorado Springs, the governor had word from the mine owners, finally rejecting the propositions offered by him for the miners at the afternoon conference.³

³ At this time the miners in many of the camps of the state were organizing armed companies to go to the aid of the miners at Cripple Creek. At Rico, a company of 100, under the command of William Simpson, seized a train on

Two days later Mr. Hagerman went to Denver, and in company with David H. Moffatt, had another conference with Governor Waite. At this conference Messrs. Hagerman and Moffatt acceded to the demand of the miners for an eight-hour day, and three-dollar wage, specifying that the men should lunch on their own time. Governor Waite, on his part, withdrew the demands for employment of union men only, and for no prosecutions, and articles of agreement were drawn up. As there was no definite organization among the mine owners, Messrs. Hagerman and Moffatt could, of course, sign the agreement only for themselves. It was understood, however, that they virtually represented the mine owners, and that the other men would stand by their agreement. The following days proved this to be true.

The articles of agreement were as follows.⁴

"For the purpose of settling the serious difficulties between employers and employees in Cripple Creek Mining District, El Paso County, Colo., it is agreed by and between Governor Davis H. Waite, appointed by and representing the Free Coinage Miners Union No. 19, W. F. M., its members and other miners of said district, on the one part, and J. J. Hagerman and David H. Moffatt for themselves as mine owners and employers of mining labor in said district, on the other part, as follows.

"1. That eight hours actual work shall constitute 'a day', divided as follows: Four hours of continuous work, then 20 minutes for lunch, then four hours of continuous work; for which said eight hours of labor there shall be paid three dollars (\$3.00).

"2. In the employment of men there shall be no discrimination against union men or against non-union men.⁵

"3. The undersigned, J. J. Hagerman and D. H. Moffatt, earnestly urge upon other mine owners and employers of mining labor, in said Cripple Creek District, to accede to and act upon the foregoing agreement.

"Signed,

"DAVIS H. WAITE,
"J. J. HAGERMAN,
"DAVID H. MOFFAT."

the Rio Grande Ry., and got nearly 100 miles on their way. The governor, hearing of the movement, sent a telegram to them at Montrose commanding that they return home, and promising to give the striking men protection. The command was obeyed.

⁴Copy given to newspapers and published by all papers of Denver and Colorado Springs, June 5, 1894.

⁵Men who had been prominent in the strike were never able to obtain work in the mines again, and several of the mines absolutely refused to employ union men.

MILITIA VS. DEPUTIES

Next day the entire state militia was called out under orders to go with all possible dispatch to the Cripple Creek District and preserve the peace.⁶ More specific directions were given to General Brooks, in command, by the governor. He was to place his force between the miners and deputies, and prevent a clash between them by every possible means. The disbandment of the deputy army was to be secured at the earliest possible moment. Protection was to be afforded to the sheriff and to the mine owners, but armed bodies of deputies were to be prevented from making arrests, or from occupying the mines.⁷

At Colorado Springs and Cripple Creek it was felt that the trouble was over, and there was great rejoicing. The mine owners were rapidly signifying their intention of accepting the agreement, and the miners had sent out word that they would stand by the governor's action, and that they would not resist the militia. But the deputies had yet to be reckoned with. On the night of the 6th they broke camp, and cutting all telegraph and telephone lines, and imprisoning all newspaper reporters, they advanced toward Bull Hill. Morning found them camped in Beaver Park, about three miles from Altman, and in full view of the miners' camp. A small skirmish took place just after day-break. Some of the deputies' horses strayed beyond the picket line, and a squad was sent out to bring them in. The

" * * * * And whereas the riot or insurrection now existing in Cripple Creek has been and now is beyond the power of the civil authorities to control, the lives and property of citizens of said county are in jeopardy, and application has been made by the sheriff of said county for military aid;

"Now, therefore, I, Davis H. Waite, governor of Colorado and commander in chief of the Colorado National Guard and the militia of the State, do call upon all organized companies of the Colorado National Guard to be and appear in the said county of El Paso, under the orders of Brigadier General Brooks, to restore peace and order in said Cripple Creek mining district, El Paso County, Colorado. All persons whomsoever in said county of El Paso unlawfully engaged in strife are warned to preserve the peace, and any unlawfully in possession of real property to yield the possession thereof to the rightful owners, and to cease any and all acts tending to promote civil war, to the end that the laws may resume their sway and the rights of property be determined by the courts.

"Davis H. Waite,
"Governor of Colorado."

⁶ Biennial Report of Adjutant General, p. 48.

men ran into the picket line of the miners and a lively exchange of shots took place, in which no one was injured.

The militia arrived early in the afternoon, and following their orders, went into camp between the deputies and miners. Later in the afternoon Generals Brooks and Tarsney held a conference with the leaders of the deputies, in which a great deal of friction was created by the question whether the militia or the county officials were higher in authority. Both sides claimed the right to command and be assisted, and there was cause for much anxiety as to what would happen on the morrow.

Early next morning the deputy camp was in motion. The men were formed into line, divided into several detachments, and started off in as many directions. General Brooks kept watch of the movement, and when it became evident from their line of march that the detachments were all headed for Bull Hill, he sent for Sheriff Bowers, inquiring what he intended to do.

From the miners' camp on the hill the movements were being watched closely. As the long lines of men swung out in the valley below and took up their march forward, the alarm whistle at the Victor mine gave forth its warning blasts, and in a few moments the hillsides were dotted with men hurrying in to headquarters. Fifteen minutes saw the ranks complete, and "General" Johnson issuing orders that were to give the deputies a warm reception.

The miners had no cannon, as has been generally supposed, but they had a weapon even more deadly at close range in the shape of a huge bow-gun. This weapon was a home-made affair, and could throw to the foot of the hill. Its missiles were beer bottles filled with dynamite. It would work terrible execution when the deputies attempted the steep climb for the summit. Different points on the hill were mined, and connected with electric wires to explode at the pressing of a button. Every man was well armed, and with a belt or pocket full of cartridges. In the upper left vest pocket of each were five dynamite cartridges the size of pencils. These were fitted with percussion caps and were to be thrown at close quarters as the deputies came up the steep incline. Every advantage was taken of the

natural strength of the place in distributing the men. Altogether Bull Hill was an extremely hazardous place to attack.

In the valley below General Brooks had not waited for an answer from his message to the sheriff. The buglers called the troops to arms, and having formed quickly they went off at double quick after the ranks of the deputies. General Brooks rode rapidly on ahead. Coming up with the sheriff a quick dispute ensued. The general inquired what was the meaning of this movement. Sheriff Bowers replied that he was sending squads of men to guard the roads leading from Bull Hill to prevent the escape of men for whom he had warrants, and that he was going on the hill with another squad to make arrests.⁸ General Brooks replied that he was under orders to prevent armed bodies of deputies from attempting to make arrests, and that they must return to their camp. The sheriff insisted that he should proceed. General Brooks asserted that he must carry out his orders, and would be compelled to fire upon the deputies unless they ceased their march immediately. Sheriff Bowers held a conference with some of his men, and seeing that the general was determined, gave orders for the deputies to return to their camp.

The militia continued on their march, and entered Altman shortly after noon. Upon seeing the deputies turn back, the miners had dispersed again, and following their repeated statements to that effect received the militia without any show of resistance. That night the militia occupied the miners' camp.

Governor Waite had all along maintained that the deputy army was illegally assembled, and General Brooks had been ordered to secure its disbandment. Even with Bull Hill in the hands of the militia, and the miners' army dispersed, the deputies refused to disband. Under the leadership of Deputy Bob Mullins they marched next morning to Cripple Creek, and passing through the city arrested everybody who in any way met with their disapproval. Then they took up the line of march to the Independence mine, and went into camp around

⁸The Adjutant General's *Biennial Report* says that Sheriff Bowers pleaded that he could not control the men.

it. General Brooks met the deputies on the way to the Independence, and again demanded that they disperse, but was met with a blunt refusal.

General Brooks had been in constant communication with the governor all day. In the morning he telegraphed that the sheriff had reported the deputies to be beyond his control. Later in the day he sent the following telegram: "Situation critical. Sheriff persists in quartering his entire force at Independence mine. Says he does so at request of owner. There is in my judgment but one solution—martial law. General Tarsney indorses this opinion. (Signed) Brooks." To this the governor replied that his orders must be carried out at all hazards. "If the deputies resist your authority I will call out the unorganized militia to suppress their insurrection."⁹ That meant that every able-bodied man between eighteen and forty-five might be called out, and that the controversy would assume proportions which would make the miners' affair seem small indeed.¹⁰

⁹ *Colorado State Papers.*

Biennial Report of the Adjutant General, 1893 and 1894, p. 50.

Also cf. Office of Adjutant General, impression copies order to militia, May, 1894.

¹⁰ The telegrams of the 8th and 9th are here given in full.
Davis H. Waite, Governor.

The deputies moved from the right and left of our position this morning, contrary to agreement not to do so, and advanced on the miners. It becoming evident to General Brooks that they intended an attack upon the miners, the entire column was put in motion, and the bodies of deputies overtaken at a point 1 mile from Altman. Under orders of General Brooks they returned to their camp.

I most respectfully urge, in view of our close proximity to the miners, that we be instructed to receive their surrender, which I am credibly informed that all are anxious to make. They sent a committee to confer with me last night, but the committee were arrested by the deputies and I did not meet them.

Answer.

T. J. Tarsney,
Adjutant General.

Adjutant General, T. J. Tarsney.

Accept surrender of miners. Do not disarm them, but protect them with all your power. Make a cordon and keep armed deputies out. Advise sheriff and make no arrests. Use no force to compel any arrested man to go with the sheriff. Let that be voluntary. If the armed deputies resist your authority I will call out the unorganized militia to suppress their insurrection.

Davis H. Waite,
Governor.

Davis H. Waite, Governor.

Deputies were sent out in squads this morning to arrest parties for whom I



MILITARY PRISONERS UNDER HEAVY GUARD.

Fortunately, before any further action had been taken, a conference was held at Altman between mine owners, militia officers, and county officials. There were present Sheriff Bowers and County Commissioner Boynton, W. S. Stratton and Chas. Steele of the Independence, Mr. Keith of the Victor, Wm. Lennox, L. P. Airhart, Generals Brooks and Tarsney, and Colonel Hagel. The following agreement was reached.¹¹

1. Deputies to be withdrawn.
2. The mines to be put in peaceable possession of the owners.
3. Military protection to be afforded to mines and miners.
4. Troops to remain for 30 days at least, and longer if necessary in the opinion of the commanding general.
5. Miners to deliver up all arms in their possession, also personal property belonging to other persons or taken from the mines.
6. Troops to be stationed at Cripple Creek, Victor, and Anaconda.
7. Persons for whom the sheriff has or may have warrants to be arrested and turned over to the sheriff at Colorado Springs.

This agreement was carried out and was the final settlement of the difficulty.

have warrants and who are trying to leave the district. While these deputies were in the discharge of their duties they were intercepted by General Brooks, with the State Militia, and ordered to return to camp. I understand the militia are here to aid me in serving process and placing the mine owners in possession of their property. If this is not the case and they are sent here to prevent me from doing my duty and hindering the law, then I most respectfully request their immediate recall.

M. F. Bowers,
Sheriff.

M. F. Bowers, Sheriff.

It is ill advised to send out squads to arrest miners at this time. General Brooks is in the field to compel peace. He is ordered to prevent any arrests or attacks by armed deputies. The militia are under the orders of the commander in chief, and not of the sheriff. If the deputies resist the order of General Brooks to suppress insurrection they resist the lawful power of the state.

Davis H. Waite,
Governor and Commander in Chief.

Davis H. Waite, Governor.

Sheriff Bowers admits his inability to control his deputies, and some of his officers agreed with him. This was the reason of his failure to keep faith with General Brooks.

T. J. Tarsney,
Adjutant General.

General T. J. Tarsney.

If, as you say, Sheriff Bowers admits that the deputies refuse to obey his orders and are acting in defiance thereof, they are not a lawful body, are only armed marauders, and you must treat them as such. Order them to lay down their arms and disperse. If they refuse to obey and you have not force enough to suppress this new insurrection, notify me and I will call out the unorganized militia to enforce the order.

Davis H. Waite,
Governor.

¹¹ Biennial Report of Adjutant General, 1893-4, p. 60.

THE RESTORATION OF ORDER

Next day the deputies returned in a body to Colorado Springs and were there disbanded. In the town hall at Altman, Sheriff Bowers read the names of several hundred men for whom warrants had been issued, and they were asked to present themselves for arrest. A great many did so. Many, however, had left the district to avoid arrest, and were never located by the authorities. The militia remained in camp according to agreement, until the last of July, when they were withdrawn. The mines opened slowly at first, the owners hardly feeling sure of the ground, but as the men showed themselves willing to work, confidence was restored, and operations were taken up again in earnest.

There remained for a long time a certain amount of hostility on both sides. Among the extremely radical, feeling still ran high, and vented itself in various acts of violence. A number of citizens of Colorado Springs found it wise to keep guards at their dwellings. In the same city a scheme was made to tar and feather a number of men who were supposed to have sympathized with the strikers during the trouble. The plan fortunately became known, and steps were promptly taken to frustrate it. A more successful attempt was made later upon Adjutant General Tarsney. General Tarsney had been prominent in the friction between the state troops and deputies, and had become greatly hated by the latter. He was taken from the Alamo Hotel one night, driven several miles north of the city, and there tarred and feathered, and left wandering around in the night to find his way back to civilization as best he could. An attempt was made to blow up the home of Sheriff Bowers one night with a nitroglycerine bomb. The fuse was defective and went out; otherwise the house would have been completely wrecked, and the inmates, who were sleeping almost directly above the bomb, would certainly have been killed.

Cripple Creek was in a turbulent condition for some time. The criminal elements that had come into the city during the strike were not easy to get rid of. Sheriff Bowers spent most of his time in the neighborhood, doing his utmost to restore good

order. He arrested over one hundred fifty men, and kept the county jail full to overflowing all the following year. Various attempts were made on his life. One night two men were shot on the road from Victor to Cripple Creek by a band who were after the sheriff, and who mistook the men for the sheriff and his deputy.

It was nearly a year before the men charged with committing overt acts during the strike came to trial. In March, 1895, D. M. McNamara was convicted on the charge of assault with intent to commit robbery, in holding up the stage coach of John Simmons, and taking his guns away from him. He was sentenced to two and one-half years' imprisonment, but the case was appealed, and the supreme court reversed the decision and set him free. Jackson Rhines received a jail sentence on the charge of kidnapping. Robert Dunn was convicted of assault with intent to kill, but broke jail before sentence was passed upon him, and was never retaken. Robert Lyons and Nicholas Tully were sentenced to terms of six and eight years respectively, on the charge of blowing up the Strong mine. They were pardoned by Governor McIntyre, who succeeded Governor Waite, long before the expiration of their sentences. Some three hundred other informations or indictments were filed, but were dismissed later on, and no other men were brought to trial. Out of all the men arrested not one served a full sentence.¹²

¹² vide *Records of District Court*, Colorado Springs, March to May, 1895.

Cases, People *vs.* D. M. McNamara.

People *vs.* Jackson Rhines.

People *vs.* Robert Dunn.

People *vs.* Robert Lyons.

People *vs.* Nicholas Tully.

CHAPTER IV

DISCUSSIONS

PECULIARITIES OF THE STRIKE

In the Cripple Creek strike one finds some marked peculiarities, phenomena in the field of strikes. Part of the union men worked all through the difficulty. Wherever a mine was found that would continue working, or would start to work, on the eight-hour schedule, or wherever a compromise could be reached as in the case of the Isabella, no attempt whatever was made to shut it down; the men continued to work as though nothing whatever had happened. This is in marked distinction from most strikes, where every union man is called out whether he has a grievance or not, and as many other allied occupations as possible affected by sympathetic strikes.

By its action in allowing the men to work the union gained in several ways. It kept a considerable amount of money coming into the pockets of union men, a goodly portion of which went to the support of the strike. It kept constantly before the eyes of the public, the fact that the men were not trying to introduce a new and unheard-of system, but one which was being successfully applied in a number of mines. It was a constant reminder that the men were not making exorbitant demands to which it was impossible to accede, since mines of average yield were successfully operating under all the conditions which they asked. It is a question well worthy the careful consideration of organized labor everywhere, whether a similar action would not produce similar beneficial results in many a labor difficulty.

The exchange of prisoners near Bull Hill probably has no parallel in the history of strikes. When the five captured miners

were exchanged for the three imprisoned officers with all the formality of war, the Altman union received recognition such as no other union has received before or since. Such recognition of an organization, and of a state of belligerency might have involved some interesting questions had the trouble gone further and Federal authority been invoked.

Another peculiarity of the strike was that state authority was used in such a way as materially to benefit the strikers. In the history of strikes the state has intervened nearly always only after a demand for protection, by the owners or operators, and while perhaps intending no such result, its authority has been so directed as to curtail the activities of the strikers, and to lessen greatly their chances for success. The results of this exception are interesting.

Governor Waite was a Populist, elected to his position on a Populist Labor ticket, and his ambition was to be known as the great friend of the laboring man. The strikers were sure of his hearty support from the first, and the county authorities were hampered by uncertainty as to whether his action would be to aid, or to oppose their efforts. All through the trouble his assertion was constant that no act of his should be hostile to the miners, and when at the very crisis he asserted that the deputy army was illegally assembled and should be disbanded, the effect was very great.¹ The miners were wise enough to see their opportunity, and never in the slightest way to resist the state authorities, and hence they reaped the full benefit of the governor's friendship. It is doubtful whether without the moral and active support of state authority, exerted as it was at critical moments, the miners could have won their strike.

THE POSITION OF THE MINE OWNERS

We saw at the beginning that the Cripple Creek strike was largely the result of a general financial depression, and of irregularity in the employment of labor in a newly-opened min-

¹ *Proclamation of Governor Waite, May 26, 1894.*

ing camp, and that the move which opened the strike was taken by the mine owners.

The owners felt that under existing conditions they were entitled to a longer working day for the \$3.00 wage which they paid, or a smaller wage for the shorter day. They supported their position by pointing to the stringency of the times, the scarcity of money, and the surplus of labor. The logic of business alone, they said, made it impossible to maintain wages anywhere on a prosperous-times basis. They added that they were putting more money into the ground most of the time than they were taking out, few of the mines were paying dividends, and they could not afford to pay such high wages. The mines in other districts worked much longer hours. In Cripple Creek, with freedom from water, mild climate, and pure air, conditions for mining were more favorable than anywhere else, and certainly labor should be no more expensive than elsewhere.²

Feeling that these conditions entirely justified their stand, they refused to accept the various compromises proposed at the opening of the strike, and took no action whatever on the offer of the miners to allow the mines to continue working as they had been doing. Nor did they feel that they could follow Mr. Stratton's example when he opened the Independence on a compromise. They watched with disgust as the miners thwarted attempt after attempt to open the mines, and at last in exasperation made the proposition and demand on the county authorities which resulted in the deputy army.

Later, when the trouble had become so serious that it looked as though hundreds of men would be killed, and a terrible disaster fall upon the county, the more conservative owners began to feel that a small difference in wages was too slight a thing over which to have such a bitter fight. Especially J. J. Hagerman and David H. Moffatt felt that everything possible ought to be conceded to secure a compromise, and ward off such a calamity, and it was largely through the efforts of these men that the final settlement was effected.

² Statement by Mr. J. J. Hagerman.

THE POSITION OF THE MINERS

The miners naturally approached the question from a point of view differing from that of the mine owners. To them the questions of hours and wages were vital points of livelihood. They declared that at the altitude of the Cripple Creek District, varying from nine thousand to eleven thousand feet, men could not healthfully work more than eight hours a day. The strain of such an altitude was so great that many people could not live there at all, to say nothing of working at heavy labor every day for eight hours. The trying conditions due to altitude, they said, were augmented by the nature of mining, in which men had to work with clothing dampened by water, and breathe foul air and powder smoke. Nor, they insisted, could they live decently on less than a \$3.00 wage. Provisions and rents were very high. By the time they had paid \$15.00 or \$20.00 rent for a miserable little house, bought firewood at \$4.50 a cord, water at 5 cents a bucket, and other things in proportion, there was not much left for luxuries. Cripple Creek was a gold camp whose product had not been affected by the general fall in prices, and it was arbitrary to cut their wages just because thousands of other men were out of work.³

The miners at the beginning wished if possible to make a compromise, and made all the advances along that line. Failing, they settled down to a hard fight, with the feeling that they were justified in going to extremes to keep the mines from opening. The agreement with the Isabella showed them still willing to compromise. Then came the entrance of the deputy army. The rumors in Cripple Creek concerning the deputies were as misleading as the rumors in Colorado Springs concerning the miners. The miners prepared to resist what they understood to be an attack intended to drive them from the county, and emboldened by the sympathy of the governor and his proclamation, held the deputies at bay. Encouraged by their success, and the attitude of the governor, and the fact that the proposals were now coming from the mine owners, they made

³ Statement by Mr. John Calderwood.

exorbitant demands in the final attempts at arbitration. Fortunately, in making the governor their representative with power of attorney, they left the way open for the final settlement.

THE POSITION OF THE GOVERNOR

The attitude taken by Governor Waite was in brief that he would do nothing that would aid either the miners or mine owners to win the fight. The militia, he said, should not be called out to win the strike, but simply to preserve the general peace, and should not be used to coerce the miners in any sense of the word.⁴

In the deputy movement he saw an arrangement, ostensibly by the county authorities, but in reality by the mine owners, meant to force the miners to give up the struggle. This movement, as he saw it, originated with the mine owners, and was supported by their contributions, and the sheriff was simply a puppet in their hands.

Moreover, in his estimation the assembly of so large a body of deputies was illegal.⁵ He immediately declared that the sheriff had exceeded his authority, first, in that the right to appoint deputies did not mean the power to form an army, and second, in that he was breaking a state law in appointing deputies from outside El Paso County. The swearing in of men in bodies of several hundred; their equipment with whole stands of newly purchased arms; and their organization into a military body, constituted the formation of an army, and was an usurpation of the power of the governor. In appointing deputies from Denver, Leadville, and other points outside El Paso County the sheriff was disregarding the laws of the state, which expressly directed that a sheriff call aid only from his own county.⁶ The governor therefore declared the formation of the

⁴From statement by Hon. J. Warner Mills, legal adviser of Governor Waite at the time of the strike.

⁵cf. Last message of Governor Waite to Legislature Jan. 10, 1895.

⁶Mills' *Annotated Statutes of Colorado*, Vol. I, Sec. 856. It shall be the duty of the sheriff and undersheriff and deputies to keep and preserve the peace of



GATLING GUN TRAINED ON MIDLAND TERMINAL DEPOT.

deputy army illegal, and demanded that it disperse. When the deputies made their forward move he threw the militia between them and the miners, with orders to prevent a conflict at all hazards. And upon the repeated refusal of the deputies to disband, he prepared to call out the whole state reserve.

THE BALEFUL INFLUENCE OF POLITICS

The workings of political intrigue are always hard to trace accurately and it is impossible to say just what part politics played in the Cripple Creek strike. There can be no doubt, however, that both parties sought to make political capital out of the strike, and by their machinations greatly impeded its settlement.

The interest of Governor Waite in the miners was undoubtedly a political one, the desire to secure sufficient support in the western part of the county to overcome the Republican strength in the eastern part, and so to bring El Paso into the ranks of the Populists. He was willing to go to great lengths to become known as the friend of the working man, and his influence was such as to constantly encourage the miners in their resistance of the county authorities. There is good reason to believe even that it was a telegram from the governor that caused the miners to make the demands that thwarted the first attempt at arbitration. This in order that he might have the credit and the influence upon the miners, of effecting the settlement himself.

The Republicans were just as active on the other side. There has been a quite general opinion that the deputy movement had as its ultimate aim the driving from the county of a large number of the men who were supporting Populism, and endangering the power of the Republicans in the county.⁷ There is

their respective counties, and to quiet and suppress all riots, affrays and unlawful assemblages and insurrection, for which purpose, and for the service of process in civil and criminal cases, and in apprehending or securing any person for felony or breach of the peace, they and every coroner and every constable may call to their aid any person or persons of their county as they may deem necessary.

⁷ Since the strike of 1903 this opinion does not seem so fanciful, as it did at the time of writing.

strong evidence that the county officers used their authority following the strike to keep their party in power. The Bull Hill men were tried under conditions which made it almost impossible for them to escape even if innocent. Two prominent citizens of Colorado Springs made affidavits to having heard the assistant district attorney outline a scheme which was to secure the conviction of every man tried.⁸ Of the four men sentenced for crimes committed during the trouble, one broke jail, one was set free by the Supreme Court, and the other two were pardoned by Governor McIntyre.⁹ Only five cases were tried out of three hundred informations and indictments. The failure to prosecute the other two hundred ninety-five cases is generally supposed to have come about as follows: the indictments were held as scourges over the heads of the men. They were promised that if they worked heartily for the Republican ticket at the next election their names would be dropped, otherwise they would be tried, and would be sure to be convicted. Needless to say the men worked. The election went as desired, and the indictments were dropped. Thus did both parties intrigue for power, intensifying the difficulty, and greatly hindering its settlement.

⁸ vide *Petition for Change of Venue*. Case People vs. McNamara, District Court, April, 1895.

⁹ Governor McIntyre was the Republican governor who succeeded Governor Waite. He would not pardon the men through partisan bias in their favor.

PART II

THE STRIKE OF 1903-1904

CHAPTER I

THE INTERVENING PERIOD

The history of the Cripple Creek District from 1894 to 1903 is one of steady, healthy growth. There were periods of inflation, and of characteristic boom excitement, followed by the usual periods of depression. The values of the mining stocks fluctuated violently from a number of causes, and the failures of mining brokers were frequent. There was the constant question as to the permanence of the ore deposits, and the prophesy of the pessimists that Cripple Creek would prove merely a surface camp. But through it all the district grew in wealth and population; the mines increased their output; and general prosperity was the portion of those who lived within the mining area. The district in these years lost many of its frontier characteristics, and took upon itself the features of the modern productive center.

The increase in the number of mines and prospects was phenomenal. Every hill for miles came to be lined with roads, dotted with dumps and shaft houses, and thickly sprinkled with prospect holes. The vast majority of these small mines and prospects were finally deserted, but an occasional one became a paying property, and this was sufficient to keep a number of men constantly engaged in developmental work. The successful mines were equipped with the best modern mining machinery, and with various devices for the quick extraction and handling of ore. Shafts were sunk to a depth of nearly 1,500 feet, and some single mines developed miles of tunnelings.¹

Three lines of railroad now connect the cities and principal towns of the district with the outside world, and their branches

¹The Portland Mine has 3 shafts and 25 miles of tunnelings.
The Independence has a 1400 foot shaft.

running to the various mines form a close network over miles of territory.² So complete in fact are these connections that it is often possible to count a dozen lines of track upon a single hill-side. Local trains run over the roads at short intervals, and two electric lines give frequent service to all points in the mining area. It would be difficult to find an industrial section with a more thorough or complete system of transportation connections.

Numerous small towns have sprung up throughout the district, and the general population has increased to about 50,000. The cities of Cripple Creek and Victor have both had a considerable growth, the former having a present population of about 12,000, and the latter 7,000. The business sections of both cities were razed to the ground by destructive fires in 1896 and 1899. The hastily constructed buildings of the early boom days were thus destroyed, and in their places have risen substantial modern structures of brick and stone.

In other respects the two cities have kept much of their frontier appearance. There is scarce a level piece of ground in the country, and except in the central portions of the towns, the houses straggle over the hills with hardly a semblance of order. The buildings are for the most part small, without porches or decorations, and weathered to an appearance often almost of unkemptness. Not a tree nor a lawn is to be found.³ Of parks there are none. The casual visitor catching his first glimpse as his train swings round the mountain-side, is likely to receive a distinct shock, and to carry away later an impression of roughness, uncouthness, and lack of the finer activities. But the cost of building material from the long shipment across the mountains explains the small size of the houses; the arid climate and hot sun takes almost instantaneous action on paint; and the soil and altitude make trees and lawns an impossibility. The rough appearance of the district is not an index of the character of its

²The Florence and Cripple Creek Railroad. (Narrow Gauge.) The Midland Terminal Railway. The Colorado Springs and Cripple Creek District Railway.

³This statement is not absolutely truthful. Two or three irrepressible citizens have succeeded with infinite care and attention in growing lawns of a few square feet, and a very few quaking aspen trees have been nursed into some show of thriving, but these facts only emphasize the general barrenness.

people. Within the unprepossessing exterior are homes of splendid taste, fine in their furnishings, conveniences, and life. Men of education and refinement have come to the Cripple Creek District, and their influence is seen in city water works, electric lights, good schools, hospitals, libraries, and churches. The district has kept much of its frontier aspect but lost much of its frontier character.

The rough externals cannot however but have a considerable selective effect. The lover of the easy, sheltered life will not gravitate to such conditions. It is the man to whom rough surroundings are agreeable or of secondary importance who will be attracted, and this means in many respects frontiersmen—the rough, hardy, fearless, independent, restraint-hating type of manhood. Thus the anomaly in a very recent frontier district, of a highly developed industrial center, which has kept most of its frontier aspects, and much of its frontier life.

The existence of the Cripple Creek District depends almost entirely upon its mining industry, and its prosperity rests upon the same source.⁴ No agriculture is possible, and scarcely any grazing; the district depends entirely upon outside shipments for its food supply. The same is true of manufacturing; none of the conditions for successful manufacture exist. All kinds of products, including building material, have to be shipped in, and the ores are shipped out of the district almost entirely for treatment. Business is local in its nature, arising from the economic needs of the district, and limited to the effective demand for consumption within the district. We have to consider then, not a strike of the ordinary type, involving merely a small

⁴ The mines of the district have produced gold values as follows:

1891	\$200,000	1900	\$22,500,000
1892	587,310	1901	24,986,990
1893	2,010,400	1902	24,508,311
1894	3,250,000	1903	17,630,107
1895	6,100,000	1904	21,414,080
1896	8,750,000	1905	22,307,952
1897	12,000,000		
1898	16,000,000	Total production to	
1899	21,000,000	1906	\$203,245,150

The recorded dividends for 1905 were \$4,032,740. The profits by lessees and close corporations for the same period are estimated at \$1,000,000, making the net profits from the mining industry for 1905, about \$5,000,000.

class, and disturbing economic conditions only generally, but one that throttled the whole basic industry, and disrupted the entire industrial and business life of the section in which it occurred. Here lies the explanation for much of the intensity and fierceness of the struggle, for the alignment of forces, and for the bitter class strife that dominated it.

The working force remained almost entirely American. The unwritten law of the metal mining camps of the West, which does not allow Italian laborers, was in force here. The high rate of wages permitted the employment of a higher class of labor than is usual in mining, and the boast was constantly reiterated that Cripple Creek had the best set of miners in the world.⁵ The conditions of labor were also of the best. The mines were comparatively dry and well ventilated, the hours short, and machines provided to facilitate all operations. Good car service, and the modern improvements of the towns, added more than the comfort usual to the home life of a mining area.⁶

⁵ The wage scale for an eight-hour day in force after 1894 was as follows:

	Per Day
Trammers, single-hand miners, firemen and ordinary laborers.....	\$3.00
Timbermen, machine helpers, etc.....	3.50
Machine men	4.00
Engineers, foremen and shift bosses, \$4.00 to.....	5.00

Graduates of many of the foremost universities of the country are to be found among the mine workers, and every year a number of the Colorado undergraduate students spend their summers in the Cripple Creek mines.

⁶ The unions of the Western Federation of Miners in the district in 1903 were as follows:

Free Coinage Miners Union No. 19, Altman.

Anaconda Miners Union No. 21.

Victor Miners Union No. 32.

Cripple Creek Miners Union No. 40.

Independence Engineers Union No. 75.

Excelsior Engineers Union No. 80, Victor.

Cripple Creek Engineers Union No. 82.

Banner Mill & Smeltermens Union No. 106, Victor.

Special cars are run on the roads at the time the mine shifts change to take the men to and from their work. This enables the men to live in town while working at considerable distances in the outskirts of the district, and has had a considerable influence in centering so much of the life in Victor and Cripple Creek.

THE BACKGROUND FOR THE STRIKE

In the interval from 1894 to 1903 there were no labor difficulties. The best of feeling prevailed between employer and employed, and a more prosperous, contented, industrial district would have been hard to find. Certain events took place, however, which had a most vital influence upon the second strike, and effected powerfully the course of events. These were the partitioning of El Paso County; the espousal of socialism by the Western Federation of Miners; and the growth of the unions in political power.

In 1893 El Paso County, with Colorado Springs as its county seat, included the Cripple Creek mining area. This was not satisfactory to the citizens of the area, and in 1899 they succeeded in securing a separate county government. The new county of Teller was formed, including the mining area, and some adjacent territory.⁷ The result of the division was entirely to change the political situation relative to the strike. In 1893 the control of the county rested in Colorado Springs, and therefore as a political unit the county was not in sympathy with the mining towns. The difficulty developed between the county authorities and the miners, with the state exercising simply the balance of power.⁸ In 1903 the mining cities had their own county. The same political forces that controlled the towns controlled the county, and the district presented a solid front which only state authority could oppose or control. In this condition, coupled with the control of the county and state by strongly opposed political forces, can be found much of the explanation of the free use of state power.

But the division of El Paso County had a still more important result in giving the unions the opportunity for a considerable political control. At the time the various towns of the district were formed the population was composed largely of miners,

⁷The county of Teller has had a most successful history. In 1901 it completed a substantial jail, in 1902 a county hospital, and in 1905 a splendid county court house and administration building. The expense was met without indebtedness, and in spite of the costliness of the turbulent times of 1903 and 1904 the county is still without a debt.

⁸See Part I, pp. 40, 45-48, 56.

and they naturally constituted the force that elected most of the local officers. The unions from their very inception followed a policy of political activity, and the strike of 1893 found the government of such newly formed towns as Altman entirely in their hands. With the formation of Teller County independent political action was decided upon, and a Miners' ticket was in the field at the next election. Defeated, the miners turned to ally themselves with the Democratic party. There was no formal action, but a quiet readjustment of forces that was even more effective. At every election the Democratic party triumphed; members of the Federation and friends of the Federation went into office, and it was generally conceded that no man who was unfriendly to the unions could hope for election.⁹ By 1903 a large number of the local and county officers were members of the Western Federation of Miners, and nearly all were in entire sympathy with the unions.¹⁰ This was especially true of the police officers, a large majority of whom were Federation men. The unions were thoroughly in power. Here is a striking example of the power of a unified minority working among the forces of a scattered majority. In it is the groundwork for the bitter con-

⁹The alignment of the political parties at the various elections was as follows:

- 1899. Democratic, Republican and Silver Republican, Populist and Co-operative (the union ticket).
- 1900. Democratic, Populist and Silver Republican, Republican.
- 1901. Democratic, Republican, Socialist.
- 1902. Democratic, Republican, Socialist, Populist.

The strength of the labor vote was shown in the election of 1903, after the opening of the strike, when the unions again ran separately, electing their candidate for assessor. The vote was:

	Assessor.	Coroner.
Independent Labor	2,227	(no candidate)
Republican	1,933	2,382
Democratic	1,655	2,980
Socialist	175	430

¹⁰The city of Victor can be taken as a fair example of the district as a whole. The miners' union members who held offices here were as follows:

- Alderman J. Murphy.
- Alderman James J. Tobin.
- Alderman Hugh Healy.
- Day Marshal M. J. O'Connell..
- Night Marshal Mike Lamb.
- Most of the policemen.
- Jailer James Printy.
- Fire Chief James Printy, Jr.
- Street Commissioner Simon O'Rourke.

troversy between the county and the state, and the key to the explanation of many of the political features of the strike.

The Western Federation of Miners in 1902 announced a propaganda of socialism. President Boyce upon his retirement from office in that year made a speech strongly urging Socialism upon Federation members.

The conventions of 1902, 1903, 1904, and 1905 passed resolutions endorsing the tenets of Socialism, and recommending independent political action upon the part of labor organizations. The utterances of the official organ of the Federation, *The Miners Magazine*, are strongly Socialistic in their tone, as are many of the speeches of the union leaders. President Moyer in his formal annual report for 1903 said:

“After fully considering the conditions surrounding us at this time, I believe that the most important action which you can take during this convention will be to reaffirm the policy adopted by the tenth annual convention. Do this and you will have accomplished that which will redound to your credit and insure such prosperity for your organization as will not only commend you to those you represent, but to the great army of toilers throughout the entire world, who are anxiously awaiting the message that the Western Federation of Miners will not pause in the determined effort to bring about such a change in our social and economic conditions as will result in a complete revolution of the present system of industrial slavery. * * * *

“John Mitchell need not be surprised should his membership turn their faces to the West, seeking affiliation with organizations which have sent out their message to the world, that as labor produces all wealth, such wealth belongs to the producer thereof. That their mission is not to tighten the bonds which surround the toiler, but the emancipation of wage slavery and the equality of man. * * * * *

“I sincerely trust that you will leave nothing undone to educate the members of this organization, not only along the lines of trades unionism, but to a realization of their power to bring about a condition under which every individual who labors shall be entitled to that which his labor produces.”¹¹

¹¹ *Official Proceedings*, W. F. M. A., June, 1903, p. 22.

And again in 1905:

"How much longer are we going to acknowledge our ignorance? How much longer shall we permit our corporate and political masters to assume the privilege to do the thinking for the producing class? Knowing the power that we still possess through the ballot, if we shall continue to be wage and political slaves, struggling to better our condition through simple trades unionism, then we are entitled to no consideration, and the time is not far distant when, unless the working men and women of this country awaken to their strength and power and while they still have the right of franchise, destroy forever a system which makes millionaires and paupers, then they will be helpless indeed. * * * * *

"Supplication by the people of Russia at the feet of their Czar was met by the fire of musketry of his soldiers. Pleading of American labor at the throne of capitalism is answered with the injunction, the blacklist and the military bullpen. I appeal to you, fellow workers, to arouse yourselves and while you still have the opportunity, take control of the weapons which are being used to deprive you of your citizenship, and bear in mind that you have czars in this boasted land of the free that would be less merciful than he of Russia."¹²

Upon the title page of *The Miners Magazine* appears every month the slogan:

"Labor produces all wealth, wealth belongs to the producer thereof."

It should be said that the annual conventions refused to pass resolutions of extremely Socialistic nature, always simply endorsing the general tenets of Socialism; demanding further economic education, and advising the class-conscious use of the ballot to right "labor's wrongs."¹³ But couple the extreme utter-

¹²*Ibid.*, 1905, pp. 23 and 24.

¹³The resolution of the June, 1905, convention was as follows:
"No. 113.

"To the Thirteenth Annual Convention of the Western Federation of Miners:

"We, your Committee on Resolutions, hereby submit the following resolution:

"Whereas, Economic evolution and the oppression of the capitalist class through its ownership of the means of production and exchange have forced on the workers the consciousness of the necessity of the abolition of craft divisions on the industrial field and their alignment as members of one general economic



STRIKING MINERS AT THE BULL PEN, GUARDED BY MILITIA.

ances of the radicals, with the general misapprehension of Socialism as something essentially connected with revolution and anarchy, and the effect upon the extreme conservative party of the state, represented by Governor Peabody, himself a banker, can well be imagined. The party which stood for the gold standard when Bryan as the champion of silver swept the state, and which represented the large business and corporate interests of the commonwealth, would have little tolerance for such "heresies," and would lose no opportunity to root them out.

organization, based on the class struggle, as a more effective method of resisting the encroachment of the capitalist class; and,

"Whereas, We believe that action on the economic field alone will not solve the problem of industrial emancipation unless accompanied by class-conscious, independent political action at the ballot box, by which we can capture the powers of government and establish an administration of the working class instead of the present capitalist system of society; and,

"Whereas, As an intellectual revolution must first take place in the minds of the workers before they can intelligently take over and administer the industries and powers of government in the interests of their class; therefore, be it

"Resolved, That the Thirteenth Annual Convention of the Western Federation of Miners does hereby re-affirm and endorse the resolutions of the Tenth, Eleventh and Twelfth Annual Conventions, recommending independent working-class political action; and, be it further

"Resolved, That we recommend to all workers the study of economics, that it may lead to an intelligent conception of the class struggle, of their interests as the wealth-producing class of the world, and of the proper civic expression of these convictions at the ballot box, thus insuring a peaceful transition from the present capitalist mode of production and exchange, and its consequent degradation and misery, to the co-operative commonwealth."

Official Proceedings, Eleventh Annual Convention, W. F. M. A., 1905, pp. 343 and 344.

They refused to pass the following:

"No. 92.

"To the Officers and Delegates of the Thirteenth Annual Convention, Western Federation of Miners:

"I hereby submit the following resolution for your consideration:

"Whereas, The organization known as the Western Federation of Miners has in previous conventions declared themselves in favor of the Socialist Party, and in as much as this convention declared themselves in favor of industrial unionism, which is socialism with its working clothes on; therefore, be it

"Resolved, That the name of the organization be changed from the Western Federation of Miners to the Western Federation of Socialists, and as the Socialists at this convention claim that those who do not believe in their principles are a burden to the organization; therefore, be it

"Resolved, With all due respect to the members of the organization, that those local unions who do not believe in the socialistic principle be requested to withdraw from this organization." p. 304.

THE SITUATION IMMEDIATELY PRECEDING THE STRIKE

The unions were for some time in a position of very great power which they were not careful to wield either with justice or consideration. The most extreme case of this condition was to be found in the courts. It became almost impossible to convict a union man of any offense. The judges conducted trials with absolute impartiality, and the public attorneys prosecuted with vigor, but juries could not be secured that would bring in verdicts of guilty. The defense of a union man might consist almost entirely in showing his union record, and man after man of whose guilt there was the strongest evidence went scot free.¹⁴

The movement to bring non-union men into the unions was always strong, and at times became violent. On August 6th, 1901 the following notice was posted at many of the mines:

"Take notice, that on and after September 15, 1901, anyone working in and around the mines, mills, or power plants of the Cripple Creek District, who cannot show a card of membership in good standing in some local union of the Western Federation of Miners, will be considered a scab and an enemy to us, himself, and the community at large, and will be treated as such. By order of the Cripple Creek Executive Board of the Western Federation of Miners.

"JOHN CURRY, *President.*"

This was followed on September 9th by the following:

"You have no doubt read and thought about our circular which was posted pretty thoroughly throughout this district about five weeks ago. This notice is issued for the purpose of reminding you that the 15th of September is near at hand; that the time of grace has about expired. You have had two pay days in which to decide whether you are for us or against us—there is no middle ground. While a majority of the men working in and around the mines, mills, and power plants have responded to the call, there are still some outside our ranks. To these this

¹⁴ Judges of the district, men who have maintained a most praiseworthy attitude of fairness and impartiality through all the bitterness and party strife of the strike, recount case after case such as the above.

notice is addressed: If you are working in or around the mines, mills, or power plants of this district, THIS MEANS YOU. Now, don't throw this to one side and say, 'Only another bluff.' If you are 'from Missouri' come into some of the unions of the Western Federation of Miners and we'll 'show' you that we are trying to help you as well as ourselves, and as the 15th is only about six days away, 'YOU'LL HAVE TO HURRY.'

"The Cripple Creek District Executive Board of the Western Federation of Miners.

"By JOHN CURRY, President."

Other notices of like tenor were posted at various times. There were threats and intimidations, and some actual violence. Occasionally men were frightened or driven from the district.¹⁵ It must not be supposed, however, that the conditions were such that life in the camp became generally untenable for non-union men. In many of the mines union and non-union men worked side by side, and an occasional mine worked with non-union men entirely.

During this time also the unions gradually developed a dangerous condition of minority rule. The large conservative membership began to remain away from the business meetings, and to take small interest in the routine of the conduct of affairs. The radicals came into undue power, and moderate men were at times hissed from their feet when they attempted to speak. It came about that extremists were elected to office,¹⁶ men entirely unfit for such positions, who did not at all represent the better class of the membership. By the constitution of the Federation a strike could be called only by a three-fourths vote of the membership of every union concerned.¹⁷ Hardly had the difficulty

¹⁵ In July, 1903, five Austrians arrived in Victor from Butte, Montana. They were taken for Italians, and were escorted from the city by several union miners under the plea of finding them work on the railroad. Arriving at Hollywood they were told to keep on going and not come back, and after they had gone some distance a volley of revolver shots was fired into the air.

¹⁶ An extreme case is that of C. G. Kennison, President of the Cripple Creek Union, and an influential member of the District Council. Men who knew Kennison well, and whose sympathies were decidedly with the unions, speak of him as "a rabid, crazy fool, devoid of understanding and common sense."

¹⁷ Article 5. Section 1. It shall be unlawful for any union to enter upon a strike unless ordered by three-fourths of its resident members in good standing

loomed upon the horizon however, when the unions voted the power entirely into the hands of the District Council, a general committee of thirteen composed mostly of officers of the local unions.¹⁸ The meetings which took this action were not largely attended. Many of the men did not know that they had lost the referendum, and more of them regretted it when it was too late.

* * * *

Thus there came the formation of a Little Mining Monarchy, shut off from the rest of the world by a high mountain range, strongly differentiated by its great altitude and arid climate, without agriculture or manufactures, its industrial life centered in mining: with its own separate political organization, the power in the hands of the miners, the unions controlled by a minority, the strike power in the hands of a clique. The powder train lies ready for the spark.

voting. Such questions shall be decided by a secret ballot at a special meeting called for the purpose, after having received the approval of the executive board of the Western Federation of Miners. * * *

¹⁸ This was of course unconstitutional, and had they seen that fact the miners might later have made use of it.

CHAPTER II

THE COLORADO CITY STRIKE

Smelters and reduction plants are located in Colorado at various centers of population throughout the state. The great bulk of the Cripple Creek ores leave the district to go to these places for reduction. Four plants which handle a considerable part of the shipments are located at Colorado City,—the Telluride Mill, the Portland Mill which handles only the ores of the Portland mine, and the Standard and Colorado Mills, both owned by the Colorado Reduction and Refining Company.¹

The Western Federation of Miners was organized with the intention of including all trades closely allied to the mining industry, and in that idea included mill and smeltermen. No attempt was made to organize the Colorado mills however until 1902, when a general movement was inaugurated to form unions in all the smelters of the state. The movement was unsuccessful except at Colorado City, where Mill and Smeltermens' Union No. 125 was formed in the month of August.²

At Colorado City the union was met from the start by the opposition of the mill managers. It was claimed by the union, and later practically admitted, that men were discharged simply for joining the union, and that as fast as their names became known they were being dropped.³ A. K. Crane, who had become rather influential in the union, was accused of acting the spy, and reporting the names of new members to the company. He was expelled from the union, and later compelled to leave the city. Becoming thoroughly angered, the

¹ The Standard and Colorado Mills are built closely adjoining and are run under one management. It is necessary in various places to speak of them separately, but their close connection should be kept in mind.

² Organized Aug. 12, 1902, by Member of the Executive Board, Copeley. *Official Proceedings*, 1903, p. 26.

³ *Official Proceedings*, W. F. M. A., 1903, p. 116. Report of D. C. Copeley.

union determined to make a formal protest against the discrimination, and to back it up if necessary by a strike.⁴ The opportunity was also to be taken to demand the wage scale in force in the smelters of the mountain towns. This would mean an increase in the minimum wage from \$1.80 to \$2.25, and slight increases in the pay of men earning between \$2.00 and \$3.00 per day. The men earning \$3.00 and more would not be affected. A protest was also to be made against the deduction from wages of \$1.50 per month to cover insurance and doctor's fees.

The committee made its call at the offices of the Standard and Colorado plants on February 14th. Manager MacNeil asked if any member of the committee was in the employ of the Colorado Reduction and Refining Company, and upon the answer being negative refused to meet the committee, or receive any kind of a statement from it. The committee returned to the union headquarters, and a strike was called at the Standard Mill. Two weeks later written demands were presented to the managers of the Portland and Telluride Mills for an increased schedule of wages. The demand was refused, and strikes were called in these plants also.

The opposition of the management had been of sufficient weight to prevent the union from becoming strong in the plants of the Colorado Reduction and Refining Company. Of the 212 men employed at the Standard mill only 46 were union men at the call of the strike. Thirty-six non-union men went out with them, making the total number on strike about 80. Some of the non-union men informed the management that they left their positions through fear of violence, threats of which had been made to them. The Colorado Mill had shut down on February 1st on account of lack of ore, and was still idle on February 14th. The strike accordingly did not affect it, and from its idle ranks the Standard Mill was able to draw workmen to fill some of the vacant places.

⁴ The eight-hour question was not an element in the strike at Colorado City. The working day in the Colorado City Plants had for several years been eight hours, with the exception only of the sampling departments, where the day was ten hours. Nor was the formation of the union here a part of the general movement inaugurated by the Western Federation of Miners to force the eight-hour day which they had failed to secure by legislation. The Colorado City Union No.

At the Portland and Telluride Mills the organization had been more thorough. The Portland succeeded in keeping enough men to run, however, and continued with a greatly reduced force. The Telluride made no attempt to continue, but utilized the temporary shutdown to carry on some constructive and repair work.

Sheriff Gilbert of El Paso County swore in deputies to the final number of 65 to protect the property of the mills. No one was allowed to enter any of them without a written permit from the sheriff or the mill manager. Manager MacNeill himself received a deputy's commission. For a few days until the county could arrange for it, the deputies were paid by the mill managers, and a number of them continued to be so paid. The strikers established a complete line of pickets around each of the mills. Tents and other paraphernalia of camping were provided, and day or night no one entered the mills without having been seen.

A workman's picket never partakes of the nature of a parlor game, nor are the men who can be picked up at short notice to become deputy sheriffs likely to be of a class especially fitted to shine in polite society. There was constant friction between the pickets and deputies; several cases of disorder occurred; and there were charges of brutality on the part of the deputies toward the pickets, and charges of violence on the part of the pickets toward non-union workmen, both of which had more or less foundation in fact.

Manager MacNeill was dissatisfied with the insufficient protection and control of the situation afforded him by the presence of the deputies, and desired state troops to enable him to curb more effectively the activities of the strikers. He accordingly made a demand upon Governor Peabody for troops, but was refused. Mr. MacNeill was able, however, to bring the influence of certain powerful forces in the state to bear upon the governor, and having done so, he proceeded to Denver on March 3rd in his capacity as deputy sheriff, armed with a formal declaration of the existence of a mob from the sheriff of

125 was formed in July, 1902, and the legislature which failed to pass the law met in January, 1903, and was in session during the first strike at Colorado City.

the county.⁵ As the result of the conference several of the Denver militia companies were ordered to Colorado City.⁶

There was no apparent necessity for the presence of troops at Colorado City at this time. A mob could not be said to exist in any ordinary sense of the term. Colorado City was quiet except for occasional street brawls, which are common enough there at any time. No destruction of property had occurred, and 65 deputies would seem an ample number to furnish protection for 4 mills. The mayor of the city, the chief

⁵ Sheriff Gilbert's communication was as follows:

"I hand you herewith a communication from the Portland Gold Mining Company, operating a reduction plant in Colorado City, and from the United States Reduction and Refining Company, from which I have received requests for protection. I have received like requests from the Telluride Reduction Company. It has been brought to my attention that men have been severely beaten, and there is grave danger of destruction of property. I accordingly notify you of the existence of a mob, and armed bodies of men are patrolling this territory, from which there is danger of commission of felony."

For the testimony of the sheriff later before a special commission, see *Official Proceedings*, W. F. M. A., pp. 155-159.

Q. "Well, you have testified that you commanded no set of men to disperse. You have testified that you had no warrant for any of these men or that they resisted arrest, and yet you went to the governor and told him that you could not control the situation here?" A. "I went to the governor and told him that I was—it either meant to have men killed there controlling the situation or that we must get men enough here to handle the situation without killing anybody." From testimony before Advisory Board.

⁶ "Denver, Colorado, March 3, 1903.

"Executive Order:

"It being made to appear to me by the sheriff of El Paso county and other good and reputable citizens of the town of Colorado City, and of that vicinity in said county, that there is a tumult threatened, and that a body of men acting together, by force with attempt to commit felonies, and to offer violence to persons and property in the town of Colorado City and that vicinity, and by force and violence to break and resist the laws of the State, and that the sheriff of El Paso county is unable to preserve and maintain order and secure obedience to the laws and protect life and property, and secure the citizens of the State in their rights, privileges and safety under the Constitution and laws of the State, in such cases made and provided;

"I therefore direct you, in pursuance of the power and authority vested in me by the Constitution and the laws of the State, to direct the brigadier general commanding the National Guard of the State of Colorado to forthwith order out such troops, to immediately report to the sheriff of El Paso county, as in the judgment of the brigadier general may be necessary to properly assist the sheriff of that county in the enforcement of the laws and Constitution of this State, and in maintaining peace and order.

"Given under my hand and executive seal this third day of March, A. D. 1903.

"JAMES H. PEABODY,
"Governor."

"To the Adjutant General, State of Colorado."



VICTOR UNION HALL AFTER ITS OCCUPATION BY THE MILITIA.

of police, and the city attorney united in a protest against the presence of troops.⁷ Business men protested generally. A petition protest was circulated, received 600 signatures, and was immediately presented to the state legislature.⁸ There is every reason to suppose that the governor acted under stress in the matter, and contrary to his own personal judgment.

On the evening of March 3rd, 125 members of the National Guard, of whom 25 were officers, left Denver for Colorado City. With them were two gatling guns, 25 horses, and the various equipment for field service.⁹ Arriving at Colorado City they went into camp. Next morning lines of men were thrown around the mills; the union pickets were forced to disperse; and their camps were removed.¹⁰ The militiamen were very vigorous in their actions. The streets of Colorado City were guarded at various times; the union hall was put under surveillance; and the homes of suspected union men searched.¹¹ The union's officers were loud in their denunciation of the activity of the militia. Within ten days civil suits had been entered

⁷ GOVERNOR PEABODY—It is understood that the militia has been ordered to our town. For what purpose we do not know, as there is no disturbance here of any kind. There has been no disturbance more than a few occasional brawls, since the strike began, and we respectfully protest against an army being placed in our midst. A delegation of business men will call upon you tomorrow, with a formal protest of the citizens of the city.

(Signed) J. T. FAULKNER, Mayor.

GEORGE G. BIRDSALL, Chief of Police.

JOHN McCOACH, City Attorney.

Chief of Police George G. Birdsall, of Colorado City, in an interview the following day after the arrival of the troops, said:

"I have talked with a number of people during the afternoon, and they are all exceedingly indignant at the thought of having the militia come among us. If some trouble had arisen which we experienced difficulty in handling, then there might have been some cause for sending soldiers over here, but nothing of the kind has taken place. The assaults have been mainly fist fights, which are apt to take place at any time. I do not know of a place where a gun play has been made within my jurisdiction. If I could foresee that men involved in this labor trouble here would resort to the use of weapons, I might become scared myself, but the boys have never appeared to take that course, nor do I believe that they will countenance such methods in trying to win their fight. They know, as well as all good citizens, that they must have the public behind them, and I am sure that they do not care to employ force to win their victory."

⁸ This petition was put into the hands of the officials of the union and circulated to them. See *Official Proceedings*, W. F. M. A., 1903, p. 118.

⁹ *Bureau of Labor Statistics Report*, 1903-1904, p. 55.

¹⁰ The union later established some pickets outside the lines of troops.

¹¹ For detailed statement of orders, movements, etc., see *Adjutant-General Biennial Report*, 1903-4, pp. 10 and 11.

against the militia officers charging them with the arrest, detention, and imprisonment of citizens pursuing lawful vocations, the searching of citizens upon the public highways, the entrance of the homes of citizens, and the seizure and retention of the goods and chattels of citizens.

PARTIAL SETTLEMENT BY ARBITRATION

The Federation countered the militia movement by requesting the mine owners in the Cripple Creek District to cease shipments of ore to the Colorado City Mills. It was understood that the men in the mines would be called out if the request were not complied with. The Mine Owners' Association in a meeting held March 5th, refused.

The citizens of the Cripple Creek District, roused to the danger of the situation, now entered the field. Mass meetings at Cripple Creek and Victor passed resolutions urging that the difficulty be submitted to arbitration. An appeal was submitted by the business men of Victor to the District Council of the Federation, asking "that action of all kinds in the matter of the impending labor difficulties" be deferred for one week to give opportunity for "an amicable settlement of existing conditions." The appeal was granted immediately upon its presentation, and the district and general officers took advantage of the occasion to declare publicly their entire willingness to submit the matters in dispute to arbitration.¹²

On March 9th the state legislature adopted a joint resolution demanding that the parties in the controversy submit their claims to arbitration. Two days later the governor made a personal investigation. The day was spent in interviews with the officials of Colorado City, the union officers, and in visits to the mills where the governor talked with the men still at work. In the evening a public reception was given in the Antlers Hotel, Colorado Springs. Returning to Denver the governor announced that he did not feel justified in recalling the militia.

¹²See interviews of President Moyer and Secretary Hayward in Colorado papers, March 9, 1903.

At the same time he issued invitations to the officers of the Federation, and to the mill managers, to meet with their council in his office, to confer relative to adjusting the matters at issue.

The invitation was accepted, and the conference met at 2 p. m. March 14th. The negotiations did not proceed to suit Manager MacNeill. He was unwilling to join the other managers in making concessions for the settlement of the strike, and declaring that they were violating an agreement among themselves he withdrew with his attorney early in the evening.¹³ The conference between the other parties continued, and after an all-night session terms of settlement were agreed upon. The agreement with the Portland Mill was as follows:

"First: That eight hours shall constitute a day's work in and around the mills, with the exception of the sampling department, which may extend to ten hours.

"Second: That in the employment of men by this company there shall be no discrimination between union and non-union labor, and that no person shall be discharged by reason of membership in any labor organization.

"Third: That all men now on strike shall be reinstated within twenty (20) days from Monday, the 16th day of March, A. D. 1903, who shall have made application for work within five days from this date.

"Fourth: That the management of the Portland Gold Mining Company will confer with any committee of the Colorado City Mill and Smeltermen's Union, No. 125, at any time within twenty (20) days, upon a subject of a scale of prices.

"Dated at Denver, Colo., this 14th day of March, A. D. 1903.

"FRANK G. PECK,

"*For the Portland Gold Mining Company.*

"CHARLES MOYER,

For Mill and Smeltermen's Union."

¹³Special Report, United States Commissioner or Labor, "Labor Disturbances in the State of Colorado," p. 119.

Mr. MacNeill's attorney (Judge Babbitt of Colorado Springs) has explained that before going to the Denver conference the mill managers came to an agreement upon conditions for which they were to stand absolutely. It was when the other managers began to weaken and to recede from these conditions that Mr. MacNeill left the conference.

The agreement with the Telluride Mill was the same, except that as the mill was undergoing construction and repair work and could not be opened immediately, the management simply bound itself to reinstate its old employees upon the resumption of operations.¹⁴

The first clause fixed the hours of labor exactly as they were before the strike. The second clause was merely a formal statement of the open shop principle, which existed previously, in appearance at least. The third clause protected the men from punishment for having been strikers, and the fourth agreed to a further conference on the wage question. The union had gained its recognition, but not the advanced wage scale.¹⁵

On the further invitation of the governor, Manager MacNeill met with President Moyer and Secretary Haywood of the Federation for a second conference. He would however make no concessions. He refused to recognize the union, or to confer with a committee in any way relative to a change in wages. No agreement should be made to reinstate the men, nor a single laborer lose his position to give work to a striker. He would only agree not to discriminate against federation men when in the future he should have need of additional workmen.¹⁶

As the result of the conferences the strikes were called off at the Portland and Telluride Mills, but continued at the Standard. The governor agreed to the withdrawal of the militia, and the Federation to the withdrawal of the suits that had been entered against the militia officers.

It is greatly to be regretted that Manager MacNeill insisted upon taking such an uncompromising attitude through the negotiations. If the series of events which were taking place at this time could have been stopped at any point the whole unfortunate aftermath at Cripple Creek might have been avoided. The union was acting in a conciliatory spirit, and had shown its willingness to come more than half way; the other managers had come to a satisfactory agreement, and any other attitude

¹⁴ For detailed statement see *Ninth Biennial Report, Bureau of Labor Statistics*, Colorado, pp. 57 and 58.

¹⁵ In the later conference the Portland and Telluride Mills agreed to the schedule asked for by the union.

¹⁶ *Special Report*, United States Commissioner of Labor, p. 119.

than that of laying down his own terms, and standing inflexibly upon them in a take them or leave them spirit, must have resulted in a settlement.

TEMPORARY STRIKE AT CRIPPLE CREEK

On March 16th, the week during which a stay of proceedings had been granted was ended, and the Cripple Creek District Union made a formal demand upon the mines furnishing ore to the plants of the Colorado Reduction and Refining Company to cease their shipments. The Victor Business Men's Committee made a last effort to get President Moyer and Manager MacNeill together in a settlement, but were unsuccessful. The mine owners took no action, and on March 17th, a strike was called upon all the mines furnishing ores to plants of the Colorado Reduction and Refining Company at Colorado City and Florence.¹⁷ The strike affected the Independence, Vindicator, Ajax, Independence Consolidated, Mary McKinney, Isabella, Strong, Findley, Mountain Beauty, Elkton, Granite, Gold King, Thompson, and Blanche mines, which were operating on the open shop principle and employed about 750 union men. The operators of the Vindicator and Mary McKinney mines agreed not to ship to the Colorado Reduction and Refining Company, and were allowed to continue.

The miners were not generally in favor of the strike. They had no grievance of their own, and could not see the logic of leaving their positions to help a few mill men in Colorado City. If the constitution of the Federation had been fully carried out and the question submitted to referendum vote in each local

¹⁷ The strike at Cripple Creek was called by the District Council upon the formal request of President Moyer. See *President's Report in the Convention Proceedings* of 1903, p. 28:—"On March 16, after conferring with your Secretary-Treasurer and Member of the Board Copeley, we decided to request District Union No. 1 to notify all men working on properties supplying ore to the Standard Mill in Colorado City to discontinue work." Such a request amounted practically to a demand. (See same, p. 23.) Thus, while the responsibility was technically thrown upon the District Council, the General Executive Board was the real power behind the act. But see also *Convention Proceedings*, 1903, p. 118. Also, resolution, same, p. 248. "6. We commend the President for his promptness in calling out the miners of the Cripple Creek district to aid the striking millmen at Colorado City."

union there is small likelihood that the men could have been induced to vote the strike.¹⁸ Most of the mines concerned were under contract to furnish their ores to the Colorado Reduction and Refining Company.¹⁹ They could not accede to the demand of the union without making themselves liable to heavy damage suits, and hence the strike was called against them with their hands tied.

The call of the strike at Cripple Creek did not discourage those who were working for a peaceful settlement of the difficulty, but rather induced them to redouble their efforts. The business men of Cripple Creek and Victor continued their vigorous campaign. Governor Peabody on March 19th, issued a proclamation, and appointed a special advisory board to inquire into the labor difficulties, and to come to some conclusion if possible in the matter. As named by the governor the membership of the board consisted as follows: President Wm. F. Slocum of Colorado College, Colorado Springs; Hon. Chas. D. Hayt²⁰ of Denver; Rev. Thomas A. Uzzell²¹ of Denver; Hon. Frank W. Frewen²² of Cripple Creek; and Father Joseph P. Carrigan²³ of Denver. President Slocum was unable to serve on account of pressure of work, and his place was not filled.

The board convened in Denver March 21st, and held sessions for several days, taking testimony from the federation and mill officials, and others. On the 25th it met in Colorado Springs

¹⁸ It should be said that this conclusion differs from that of Walter B. Palmer, who conducted the investigation for the Labor Department of the United States Government, and also from that of W. H. Montgomery, the Deputy State Commissioner of Labor, in his biennial report for 1903-4. The language in the conclusions of both is identical: "It seems probable that if a referendum vote had been taken of the miners in the district a majority would have voted in favor of the strike." The conclusion of the author rests largely upon his personal knowledge of the conditions. He was in the district twice, in February and March, gathering material for the report on the strike of 1893, and had occasion to talk with a number of the miners. Excepting some of the officers, he did not find a man who favored a walk-out in sympathy with the Colorado City men. There was the strongest feeling that such talk was idle nonsense.

¹⁹ *Biennial Report Commissioner of Labor, 1903-4*, p. 60.

²⁰ Mr. Hayt is an ex-judge of the supreme court.

²¹ Mr. Uzzell was a popular Denver preacher, and Republican politician. He is now (1905) County Commissioner of Denver County.

²² Mr. Frewen was Representative from Cripple Creek. He is now employed in the interests of the Colorado and Southern Railway.

²³ Father Carrigan has for a long time shown an intelligent interest in labor questions.

and had a conference with a committee of the Mine Owners' Association. Next day it held its session in Colorado City, where it examined strikers, and employees of the mills, and officials of Colorado City.

As the result of its investigations the board reached the conclusion that the points at issue were in reality of small import, and that, "a heart to heart talk" should bring about a settlement.²⁴ Accordingly a conference was secured between the officers of the reduction company and of the Federation, and attorneys for both sides, present also officers of the Colorado City, Victor, and District unions, the Mayor of Cripple Creek, and the Victor committee. Little by little the non-essential points were weeded out, but it seemed impossible to get an agreement upon the points that had proved stumbling blocks at the earlier conferences—the recognition of the union, the wage scale, and the immediate employment of the strikers. Manager MacNeill at length agreed to receive and confer with a committee of the mill employees concerning changes in the wage scale, but still declined to meet such a committee from the Federation. President Moyer waived the recognition of the Federation committee and accepted the offer of a conference without the guarantee of any increase in wages.

On the point of reemployment the negotiations were still unsuccessful. Manager MacNeill was emphatic in his refusal to set a time limit within which the strikers should be reinstated, or to make any agreement by which any men employed since the opening of the strike could lose their positions. The Victor committee offered to give employment to the strikers in the Cripple Creek District at \$3.00 per day if the strike should be called off without reinstatement, but President Moyer refused. They then offered to give the same work to men who lost their positions at the Standard Mill if the strikers be reinstated, but

²⁴ Official statement given to the press, March 29, 1903. See also *Report of the Bureau of Labor Statistics*, 1903-4, p. 62.

"As soon as the members of the Governor's advisory board were sufficiently advised of the real causes of the strike, they concluded that if the parties could be brought together in a heart to heart talk it might result in an amicable adjustment of their differences. This belief was strengthened by the fact that the board was of the opinion that such differences were too slight to be the cause of involving this State in an industrial war."

Manager MacNeill refused. This action, however, broke the ice. Manager MacNeill offered to give preference to the strikers, and take them back as soon as openings could be found at the mills. It was hoped, he said, that the increase in ore shipments would permit the opening of the Colorado Mill shortly, and in that case the men would be rapidly reemployed. This offer was finally accepted by President Moyer. Both sides waived the question of a written agreement,²⁵ but the advisory board was to meet again in May and determine whether the agreement had been faithfully carried out.²⁶

Telegraphic reports of the settlement were received in the Cripple Creek District with the greatest rejoicing. Bells were rung, whistles blown, the papers put out special editions to spread the news. Purses were raised and bands gotten out. Committees and officials coming in from the conference were met at the trains, and placed at the heads of processions which marched streets illuminated by bonfires and colored powders. There was endless cheering, and tooting of horns, and speech-making; and over all the ringing of bells, the droning of whistles, and the crash of giant crackers. A mining strike settled was an event for the most intense rejoicing in the Cripple Creek District.

²⁵ This was a serious mistake. The whole latter dispute was made possible only by disagreement as to what had been the exact terms of the compromise.

²⁶ *Official Statement of Advisory Board*, March 31.

"Mr. Moyer has this day agreed to accept the proposition of Manager MacNeill, as given in the communication of March 29, and he has declared the strike off, basing his action to some extent upon the opinion of the board as to the time within which it may be confidently expected that the men will be reinstated. Mr. Moyer has stated that he did this because he wished, so far as possible, to avoid bringing loss upon others, and particularly the miners and mine owners in the Cripple Creek district, for a cause, which, in the opinion of the board, was not serious."

CHAPTER III

THE CRIPPLE CREEK STRIKE

THE CALL OF THE STRIKE

The shipments of ore to Colorado City did not increase sufficiently to permit the opening of the Colorado Mill. The hope that this mill could be used to rapidly employ the union strikers was therefore without fulfillment. It became apparent early that Manager MacNeill and the Colorado City Union interpreted the terms of their agreement differently. As fast as vacancies occurred the positions were offered by the company without regard to the kind of work or the wage, but were refused by the men unless given their former kind of work and former wage. The company was holding the agreement to mean simple reemployment, the men, to mean reinstatement. Further cause of irritation was the refusal of Manager MacNeill to consider a new wage schedule. He met the committee of mill men according to his agreement, but that was all.

The advisory board convened for its final sessions on May 23rd, and received statements from the Colorado Reduction and Refining Company and the Western Federation. The statement of the company set forth that there had been one hundred two applicants for work, of whom forty-two were refused and sixty offered employment. A detailed list was given of the refusals, with reasons therefor. Forty-seven of the sixty men to whom work had been offered refused it, and only thirteen accepted. Twenty-seven were offered positions at the same pay they had received before the strike, eight accepted, nineteen refused. Eleven were offered higher wages, three accepted, eight refused. Twenty-two were offered smaller wages, two accepted, twenty refused. Work

had been refused in all cases where it did not give the man the same position that he occupied before the strike.¹

The statement of the union took exception to many of the refusals of the company to employ men, and gave a detailed rebuttal to the statements made concerning them. It insisted that the agreement had been to reinstate the men in their old positions, and that the company had failed to keep its promise.²

After several days deliberation the board made a final report to the governor in which the conclusion was reached that the company had to the best of its ability carried out its promises.³ There is every evidence that this conclusion was a just one, so far as the letter of the agreement at least was concerned. The whole question was as to whether the company had agreed to reinstate, or simply to reemploy. Throughout the whole preceding series of conferences Manager MacNeill's position had been firm that he would take no step that would remove from his position a single man then in his employ, and a promise to reinstate the strikers must have meant the displacement of many. President Moyer in his report to the annual convention of the Federation in June states clearly that the proposition from Manager MacNeill which he finally accepted was to "take back" the striking men "without discrimination, if vacancies occur in the working force." and that Mr. MacNeill had just rejected a proposition offered by himself which included the "reinstatement" of the men.⁴ As to whether the company had not in reality discriminated by offering work in the most unac-

¹ Report, Commissioner of Labor, U. S., 1905, p. 129, and following. The statement is given in detail in Official Proceedings, 12th Annual Convention, Western Federation of Miners, pp. 125-133.

² Official Proceedings, 12th Annual Convention, Western Federation of Miners, pp. 134-140. But see also some contrary opinions by union officers in same, pp. 169-170.

³ The report is given almost in full in the Special Report of the Commissioner of Labor, U. S. A., 1905, *Labor Disturbances in Colorado*, pp. 130 and 131.

⁴ Official Proceedings, W. F. M. A., June, 1903, p. 28. Paragraph from the proposition submitted by Mr. MacNeill:

"Third. Men who had left the company's service on account of the recent strike to be taken back without discrimination as to being union or non-union men, if vacancies occur in the working force."

Paragraph from counter "ultimatum" submitted by Mr. Moyer:

"Third. All men who have left said company's service on account of the present strike, and all men who have been discharged, if any, for no reason

ceptable way, and in refusing entirely to employ many of the men, the evidence is not so clear.

A month elapsed between the report of the commission and the second strike at Colorado City. No further men were employed by the Colorado Reduction and Refining Company, so the situation relative to the reemployment of the strikers developed no further. The union was dissatisfied however with the findings of the commission, and continued to declare that the company was violating both the spirit and letter of its promises, and to threaten another strike. The situation was further disturbed by the controversy over the question of wages. On May 1st. the Telluride and Portland Mills had agreed to the schedule submitted by the union, increasing the minimum wage from \$1.80 to \$2.25, and the continued refusal of Manager MacNeill to consider this schedule caused dissatisfaction to his employees, and also to the managers of the other mills. Manager Hugh Fullerton of the Telluride posted a notice on July 1st. to the effect that after July 5th wages would be reduced, and the minimum be \$2.00 per day. This notice was removed upon the calling of the second strike.

A statement of the conditions cannot be complete without a word upon the status of eight-hour day legislation in Colorado at just this time. The state legislature in 1899 had passed an act limiting the labor day in mines, smelters, and reduction plants, to eight hours. The law was an almost verbatim copy of the eight-hour law of Utah, which had been declared constitutional by the supreme courts of the State of Utah, and of the United States, but notwithstanding this fact the Colorado Supreme Court declared it unconstitutional. In 1902 a constitutional amendment was passed by popular vote commanding the legislature to pass an eight-hour act. But when the legislature convened in 1903 a powerful lobby appeared upon the scene. Conflicting bills were introduced, and loaded with a confusion of dispute-provoking amendments. The two houses

other than that they were members of Colorado City Mill and Smeltermen's Union No. 125, of the Western Federation of Miners, shall be reinstated."

"The same were promptly rejected by Mr. MacNeill, and on March 31, I declared the strike off, or rather declared an armistice until May 18, * * * " See also opinion of some union officers, same, pp. 169 and 170.

could not agree upon a measure, and adjourned in April having accomplished nothing.

Upon the failure of the eight-hour legislation the Western Federation of Miners inaugurated a vigorous campaign of organization and strikes among the smelters of the state, to secure by force what apparently could not be gained by the ballot. The second strike was brewing in Colorado City. The eight-hour day was not an issue there.⁵ But the Federation had decided upon a show of power, a trial of strength that would show that not with impunity could it be trifled with. The Cripple Creek District was its stronghold, the place for the most spectacular display, and there can be no question that these things had a powerful influence upon the executive officers of the Federation in bringing about the following strikes at Colorado City and Cripple Creek.

On July 3rd, a second strike was declared upon the Colorado Reduction and Refining Company at Colorado City. Only nine men responded to the call.⁶ Following the former tactics the men were called out from the mines in the Cripple Creek District on August 8th. But this time the Federation did not stop with the mines which were furnishing ore to the Colorado Reduction and Refining Company. The men were called out from all the mines of the district, with the exception only of a few small properties whose ores were being reduced by plants within the district. Thirty-five hundred men were affected, working in about 50 different mines.

⁵ On March 12, 1904, near the close of the strike, the federation issued a proclamation of which the following is a part:

"We wish once again to call the public's attention to the fact that the Western Federation has at no time made any demand of the mine owners of the Cripple Creek district other than that they withdraw their patronage from the mill trust in order that living conditions might be secured for the employees of said mills.

"This, it is unnecessary to say, they have refused to do, thereby compelling the members of the Western Federation of Miners to discontinue the reduction of ore or grossly violate their obligations and abandon their fellow members who were formerly employed in the unfair mills.

"While we deplore the necessity which makes us a party to the continued unsettled conditions which now prevail, being wholly convinced our cause is one of justice, we have no intention of giving up the battle until justice shall prevail and the same right conceded to mine and mill workers that is demanded by their employers."

⁶ *Special Report U. S. Commission of Labor*, p. 161. They were all among the 13 men taken back under the Moyer-MacNeill agreement.



DEPORTING UNION MEN TO KANSAS STATE LINE.

The strike was called by the District Council of the Western Federation, in exercise of the general power given it months before the time of the first Colorado City difficulty. The district council was strongly under the influence of the executive board of the Federation; it was the executive board that forced the action, and loath as the gentlemen composing this board have been to shoulder the responsibility, to them it belongs and to no others.⁷

There may be some doubt as to the opposition of the Cripple Creek miners to the first strike, but there can be none as to their opposition to the second. Loyally they obeyed the strike order of their organization and laid down their tools, but the vast majority, (many have put it as high as 90 per cent.) were unwilling to strike, and bewailed the haste with which they had voted away the control of their own labor.⁸

The strike at Cripple Creek was in support of the strike at

⁷ The following paragraph from the president's report in the *Official Proceedings* for 1903, pp. 23-24, shows where the power lay practically.

"At the close of this convention your officers, whoever they may be, should know whether they have the power to conduct the affairs of the organization between conventions or whether they must obtain the permission of a local union before they are permitted to act in what they consider the best interests of the organization. If, in cases of emergency, it is optional with a local union as to whether they go on strike in support of another local, when in the opinion of your Executive Board it is for the best interests of the Federation that they should discontinue work, then your officers are, indeed, helpless and uncertain of the outcome of any attack which may be made by the enemy. During the past year some unions have questioned the authority of your executive officers to order a strike without submitting the same to the local involved for a referendum vote. This is a matter of great importance, and in amending your Constitution you should so define the authority of your officers as to avoid occurrences of this nature in the future."

The convention passed the amendment asked for, giving the Executive Board power to call strikes (see same, p. 226), but this did not go into effect officially until later, when it had received the vote of the local unions.

See also footnote 1, p. 81, on calling of first Cripple Creek strike.

⁸ In this connection see opinions of some of the Cripple Creek union officials before the annual convention, June, 1903. *Convention Proceedings*, pp. 169 and 170. "Brother Seitz doubts if called on to come out that they would respond."

"W. B. Easterly states that the officers of No. 19 . . . are satisfied that the boys in Cripple Creek will not respond as readily as before."

"Pollard . . . states that No. 19 would come out if asked, but states that they are only a small part of the Cripple Creek District for all that."

"W. F. Davis states . . . that if called out No. 19 will come out any time. . . . He states that Dan Griffis, secretary, of Victor, stated that, if called out, the members of Victor Union No 32, he thought, would respond only to the extent of twenty per cent."

"E. J. Campbell, No. 40, states that MacNeill has contract with mine owners

Colorado City in which nine men were out. It tied up the industry of a whole section. The Western Federation of Miners had never had an organization in the Colorado City Mills, and the whole difficulty resulted from the attempt at organization there. Success had been achieved in two of the working plants, but not in the third. Ostensibly to force into line this third plant, which was running full capacity, 3,500 men were called from the mines. The Cripple Creek miners were to be used to club the mine owners into clubbing the Standard Mill to the wishes of the Western Federation of Miners. Comment on such an action is hardly necessary.⁹

THE FIRST PERIOD OF THE STRIKE

Quiet prevailed in the Cripple Creek District during the first three weeks of the strike. Mining operations were almost entirely suspended. The men held frequent meetings, strengthening their organization, and thoroughly picketing the district to prevent any men from going to work. The Standard Mill was compelled to shut down on account of lack of ore September 2nd, but announced that one-third pay would be given its employees for an indefinite period. The Portland Mine was allowed to resume operations on August 22nd. All of its ores were reduced by its own mill at Colorado City, and the management agreed specifically that no ores should be shipped to "unfair" mills. The mine was not unionized but continued on the open shop principle. The merchants of the district having announced

which will force them to ship to him or stay closed. My opinion is that at this time the men will not come out if called."

"C. E. Johnston, No. 106 Millmen's Union, . . . feels that Advisory Board, after giving decision, should control our actions."

The Cripple Creek Union asked for a constitutional amendment making all legislation of the district unions subject to the initiative and referendum, but it was voted down. See, same, p. 218.

⁹ The question as to whether the strike was "sympathetic," being merely a question of terms, need not be discussed here. The mine owners insisted upon calling it a sympathetic strike, while the Federation declared that since the strike was all within its own order it was not sympathetic. Whatever be our terminology the vital point remains that the strike at Cripple Creek was called for the sole officially announced purpose of forcing the United States Reduction and Refining Company to close its works through lack of ore.

that they would allow no further credit during the strike, the unions organized cooperative stores in Cripple Creek, Victor, and Anaconda. Goods were sold to the miners from these stores at cost, for cash, or upon orders from the union. The treasury of the federation was well supplied, and no hardship was experienced.¹⁰

Late in August the Colorado City Union called a strike upon the Telluride Mill, which earlier in the year had granted all the demands of the union, including the increased schedule of wages. Walter Keene, the head precipitator, considered one of the best men in the employ of the company, had remained non-union and refused all invitations to join the organization. He was warned to leave. When he entered the mill on the 25th, he was met by a crowd of men, jostled, threatened, and finally struck on the head with a dinner pail. Thoroughly frightened he went to the office and resigned. Manager Fullerton discharged two of the men for participation in the assault, and stated his position with vigor in a letter to the union.¹¹ The union officials demanded the reinstatement of the discharged men, and upon being refused called a strike at the mill.

The unfairness of the strike at Cripple Creek was felt keenly by the owners of the mines. There were no grievances to adjust,

¹⁰ During the period the Mine Owners' Association was made a formal organization, and elected its first set of officers. The Citizens Alliances of the district were also formed at this time, and began to exert their influence as allies of the Association. For a general history of these organizations see Chapter VI.

¹¹ *Special Report, Commissioner of Labor*, p. 165:

"Mill and Smelter Men's Union No. 125, Colorado City."

"Gentlemen:—When our company informed you that it was not our intention to discriminate against union men, when hiring our force of workmen, we understood that your union was not to discriminate. One of our best men, Mr. Keene, has just resigned from our employment because of actual bodily violence, and because of threats on his life made by a mob of your union in our employment.

"Our company will not stand for any such system of dictation by any union, as to whom we may or may not keep in our employment, and we give you notice that Mr. Keene did not resign with our consent; that we are well satisfied with him in all respects, and that had he been willing to remain in our employment we should have stood back of him in all events; and that if any such system of dictation is again attempted by your union our company will discover which of our employes belong to your union, and will at once discharge every union man, for the sole reason that he is a union man, and that thereafter we will conduct our mill as a non-union mill.

"H. W. FULLERTON,

"General Manager."

nor any apparent method of settlement unless they were to join hands with the organization that had acted so arbitrarily against them, and eating humble pie, seek to force the Colorado City Mills to share it with them. They determined to exert their strength to the limit to break the strike, and to break it without compromise. On August 13th, they issued a statement which reviewed the satisfactory conditions at the time of the strike, and the unwillingness of the men to participate in it. The strike was characterized as most arbitrary and unjustifiable, and they announced their intention to open their mines and operate them in future in absolute independence of the Western Federation of Miners.¹² It was decided to combine upon the opening of single mines, and the El Paso was chosen for the first. The shaft house was surrounded by a stockade, and a board fence ten feet high, and 17 armed guards placed upon the property. The mine was opened August 18th, with about 75 men.

A series of events on Sept. 1st, ended the period of good order and immediately precipitated a crisis. The Golden Cycle Mine was preparing to start up, following the El Paso, and was being surrounded by a board fence. When the carpenters came to work they were held up with a gun by a union picket, but were later allowed to pass. Ed Minster was arrested for the offence and lodged in jail. In the afternoon John T. Hawk-

¹² "A general strike has been called on the mines of the Cripple Creek district by the executive heads of the Western Federation of Miners. At the time this strike was called, and in fact ever since the settlement of the labor difficulties of 1894, the most entire harmony and good will has prevailed between the employers and employed in this district. Wages and hours of labor have been satisfactory and according to union standards, and general labor conditions have been all that could be wished.

"Notwithstanding all this, the heads of the Western Federation have seen fit to compel the cessation of all labor in the district, not because of any grievance of their own against the Cripple Creek operators, but for reasons entirely beyond our control. No more arbitrary and unjustifiable action mars the annals of organized labor, and we denounce it as an outrage against both the employers and employed.

"The fact that there are no grievances to adjust and no unsatisfactory condition to remedy leaves the operators but one alternative, and that alternative they propose to adopt fearlessly. As fast as new men can be secured, our mining operations will be resumed under former conditions, preference being given to former employees, and all men applying for work will be protected to the last degree."

ins, a justice of the peace, was assaulted upon the main street of Altman, knocked down and badly cut upon the head. He had discharged one of the El Paso deputies the day before on the charge of carrying concealed weapons, and fined another one \$25.00 and costs. On the same night Thomas M. Stewart, an old man, who had gone to work as a carpenter upon the Golden Cycle, was taken from his home by five masked men, cruelly beaten, shot in the back, and left for dead. He managed to crawl to the electric road, and was taken to the Victor Hospital, where he finally recovered.¹³

These outrages stirred the district deeply, and the feeling was intensified the following day by the release of Minster. The district attorney had been delayed in filing the information against him. Undersheriff Gaughan,¹⁴ a federation member of the most extreme type, had been notified that the information was being prepared, but took advantage of the technicality to set Minster at liberty. The mine owners had already begun to demand troops on account of the assaults of the day before, and they were now able to back their demands with the declaration that the county authorities were not trying to give them protection.

THE MILITIA IN THE DISTRICT

Sheriff Robertson was asked to call for troops, but refused, saying he could and would control the situation.¹⁵ He agreed however to appoint deputies of the mine owners' choosing and did so in sufficient number to station from three to five men at every mine. Telegrams were sent by a number of the mine owners to the governor, and a lengthy message was sent by the mine owners in common, which declared a reign of terror to be imminent, and the sheriff's office unable to handle the situation;

¹³ On Sept. 2nd the Mine Owners Association offered a reward of \$300 for information leading to the arrest and conviction of the person who had assaulted Justice Hawkins and \$1,000 for those who had assaulted and shot Thomas M. Stewart. The Golden Cycle Mining Co. offered an additional reward of \$500 for the arrest of Stewart's assailants.

¹⁴ Undersheriff Gaughan was a member of the legislature at the time El Paso County was divided. He was appointed assessor by the governor, but was defeated for nomination in the convention the following fall. He then opened a saloon, where he presided up to the time of his appointment as undersheriff.

¹⁵ Sheriff Robertson was a member of the Western Federation of Miners.

and demanded state protection. Mayor French of Victor also sent messages asking for troops.¹⁶

Next day Governor Peabody appointed a commission composed of Brigadier General John Chase,¹⁷ Attorney General A. C. Miller, and Lieutenant T. E. McClelland,¹⁸ to investigate conditions. The commission left at once for the district. On the same evening the governor and General Bell held a conference with President Colburn and Treasurer Bainbridge of the Mine Owners' Association. As the result of the conference the governor agreed to call out the troops, but insisted that the mine owners should provide funds for the expenses of the campaign, accepting state certificates of indebtedness payable in four years.¹⁹ The commission arrived at Victor at about nine o'clock at night, and held a conference with Mayor French, and others. It then proceeded to Cripple Creek, where it met members of the Citizens Alliance and Mine Owners' Association, Sheriff Robertson, and Mayor Shockey. Mayor Shockey refused to sign a request for troops, and Sheriff Robertson insisted that he had the situation well in hand, and that there was no need for troops. The commission left on a special at four o'clock in the morning, having been in the district less than eight hours, and from Colorado Springs telegraphed their opinion of the urgency of the situation.²⁰ The governor a few hours later issued an order calling out the troops.*

¹⁶ Mayor French was manager of the C. C. C. Sampler.

¹⁷ General Chase was later prominent in the friction between the military and civil authorities, and was an important factor in all the military activity.

¹⁸ Lieutenant, later Major, McClelland also became a prominent figure in the militia movements. He is the man who when accused of having violated the constitution replied, "To hell with the constitution! We aren't going by the constitution." He is now (1905) county attorney of Teller County.

¹⁹ *Special Report, Commissioner of Labor, U. S. A.*, p. 175.

²⁰ Peabody, State Capitol, Denver, Colo.

Have visited Cripple Creek and Victor, and after careful inquiry among representative citizens and property owners, including mayors of Cripple Creek and Victor, we are of the opinion that the lives of the citizens of the district are in imminent danger and property and personal rights are in jeopardy. Prompt action is imperatively demanded by the above people to protect the lives and property of the citizens. We find that a reign of terror exists in the district. We do not believe that the civil authorities are able to cope with the situation. (Signed by the three commissioners).

* EXECUTIVE ORDER.

"Ordered: It having been made to appear to me by reputable citizens of the county, by the constituted civil officers and by the honorable commission-

There has been considerable difference of opinion as to the necessity for sending troops to the district at this time. The only call for them had been by the mine owners or those closely connected with them, and the local authorities were practically a unit in denouncing the act as an outrage. It must not be forgotten in this connection how thoroughly the police officers of the county were in sympathy with the unions, but from two of the most unprejudiced and non-partisan sources, the Mayor of Cripple Creek, and the Board of County Commissioners, there came from the former a refusal to call for troops, and from the latter a protest of no uncertain sound.²¹ There had

appointed by me to investigate the matter, that an insurrection is threatened in the county of Teller, in the State of Colorado, and that there is a tumult threatened and imminent, and that a body of men are acting together, by force, with attempt to commit felonies, and to offer violence, to break and resist the laws of this State, and that a number of persons are in open and active opposition to the execution of the laws of this State in said county, and that the civil authorities are wholly unable to cope with the situation:

"I, therefore, direct you, in pursuance of the power and authority vested in me by the Constitution and laws of the State of Colorado, to direct the brigadier general commanding the national guard of the State of Colorado, to forthwith order out the First regiment of infantry, together with Company H of the Second infantry, Colonel Edward Verdeckberg commanding, together with the First squadron of cavalry, consisting of Troops B, D, and C, also Battery A, and the signal corps and the medical corps of the State, and to prevent said threatened insurrection; and he will protect all persons and property in said county of Teller from unlawful interference, and will see that threats, assaults and all sorts of violence cease at once, and that public peace and good order be preserved upon all occasions, to the end that the authority and dignity of this State be maintained and her power to suppress lawlessness within her borders be asserted.

"Witness my hand and the executive seal, at Denver, this fourth day of September, A. D. 1903.

JAMES H. PEABODY.

"To Sherman M. Bell, Adjutant General of the State of Colorado."

²¹ "Whereas, The board of county commissioners of Teller County have been advised that the governor of the State of Colorado has sent the militia to this county for the pretended purpose of suppressing a riot that does not now, and never did exist, and to protect property and individual residents of the county that are not in danger; and

"Whereas, It has been falsely reported throughout the State that property and life were in danger in Teller County.

"Now, therefore, The board of county commissioners of Teller County do protest—

"First. That property and individuals are as safe in this county as elsewhere in the state.

"Second. That the sheriff of Teller County is perfectly able to handle the situation here, and has been authorized by the board to employ any and all deputies necessary to protect life and property, which, in the opinion of the board, he is doing.

"Third. That there has been no unusual assembly of men and no more violence

been no riot in the district, nor any such condition of general lawlessness or disorder as is usually considered necessary for the calling out of troops. There had been individual assaults, however, and unquestionably the owners were being thwarted in the effort to open their mines by the fear upon the part of the men of physical violence. No one who knew the history of the Western Federation of Miners but would expect violence to accompany the opening of the mines, and in this doubtless lies the real reason for the presence of troops. They were called out to protect the owners in opening their mines, and to relieve the fears of the men who hesitated to return to work.

Pursuant to instructions Adjutant General Sherman M. Bell issued orders to the first regiment, and other companies of infantry, cavalry, and artillery of the Colorado National Guard, to proceed to the Cripple Creek District.²² On Sept. 4th, they arrived, in number about 700, and went into permanent quarters at Camp Goldfield, among the largest mining properties of the district, near the town of Goldfield.²³ Subsidiary camps

than at other times. That the parties guilty of the late assaults will be apprehended by the civil authorities and prosecuted. The state troops can in no way aid in apprehending these parties.

"Fourth. That the citizens of the county are law-abiding and are doing all in their power to avoid trouble.

"Fifth. That the governor of this state, without cause therefor, has sent the militia to this county, and by so doing engenders ill feeling, prolongs the strike, and does a great injury to the Cripple Creek mining district.

"Sixth. It is the judgment of the board of county commissioners that the commission sent by Governor Peabody to this county to investigate the strike situation was not sent for an honest purpose, but as a cloak, to cause the people of the State of Colorado to believe that the law officers of Teller County were unable to handle the strike situation.

"This statement is made because the commission sent by the governor did not make an honest investigation of the situation. The commission reached here at 9:30 p. m. Thursday and left at 4 o'clock Friday morning, remaining in camp less than eight hours."

Unanimous resolution September fourth.

²² The principal officers were as follows:

Adjutant General Sherman M. Bell, in command.

Brigadier General John Chase, acting in conjunction with General Bell.

Colonel Edward Verdeckberg, commanding First Brigade, District Commander.

Colonel Leo W. Kennedy, commanding First Regiment Infantry.

Colonel Lewis Barnum, commanding Second Regiment Infantry.

Major H. A. Naylor, Ordnance, Field and Staff Officer.

Major Tom E. McClelland, Judge Advocate and Provost Marshal.

Brigadier General Frank M. Reardon (Retired).

²³ *Adjutant General's Report*, pp. 128, 129, 130.

were located at Camp Bull Hill near Altman, Camp El Paso near the El Paso Mine, Camp Golden Cycle in the town of Goldfield, Camp Elkton in the town of Elkton, and Camp Cripple Creek in Cripple Creek. Additional troops continued to arrive, until by Sept. 30th their number reached over one thousand.²⁴ Guards were placed at all the large mines, and in all the towns and cities of the district, and sentinels were placed upon the public highways.

The signal corps proceeded to put into operation a most complete system of communications. At headquarters, lines of the Western Union and Postal Telegraph Companies, and of the Colorado Telephone Company, gave direct connections with points outside the district. The Colorado Telephone Company provided local service throughout the district, with a special switchboard, and in addition an entirely independent system was established directly connecting the military camps and departments. Signal stations were located on the tops of the principal hills, and kept in constant operation, and a search-light moved from one vantage point to another flashed over the district by night. A more complete system would hardly have been established had an actual military campaign been in progress.²⁵

On Sept. 10th the military authorities began a series of almost daily arrests of union officers and men known to be strongly in sympathy with the unions. The old wooden jail at Goldfield was surrounded with a high stockade, and used as a military prison, and became commonly known as the "bull pen". Here the men were confined for varying periods, without trial or preferment of charges, and discharged with threats of rearrest if they failed to conduct themselves in future according to the wishes of the military. Sept. 10th Chas. Campbell, H. H. McKinney, and three other men, were arrested. Next day James Lafferty, one of the union leaders, was added to the number. At midnight on the 12th a squad of soldiers entered

²⁴ Infantry 600, Cavalry 250, Artillery 75, Signal and Medical Corps 80; total, 1,005. *Bureau of Labor Statistics Report, 1903-4*, p. 81; *Biennial Report of Adjutant General*, p. 130.

²⁵ Report of the Signal Officers in *Biennial Report of Adjutant General*, p. 195.

the home of Sherman Parker, Secretary of the Altman Union, searched the house, and forced Parker to dress and accompany them to the jail. On the 13th a squad of 20 men stationed themselves at the Victor Union Hall and made a search for W. B. Easterly, President of the Altman Union, but failed to find him. Numbers of other officers and influential members of the unions were put under detention throughout the month.²⁶

But the militia did not stop with the arrest of union leaders. On the 14th W. C. Reilley, a justice of the peace of Independence, was arrested and thrown into the "bull pen."²⁷ No charges were made against him, but it was understood that he had shown himself too friendly to the unions. Joe Lynch, City Marshal of Independence, was arrested and told that he had been talking too much. The chairman of the Board of County Commissioners, P. J. Lynch, was arrested by a file of 22 men and taken to headquarters. He was accused by General Chase of making remarks derogatory to the militia, and of advising the men not to return to work, and was then released, with the threat that he would be rearrested and kept if he did not change his attitude.²⁸

Sept. 29th the militia arrested the working force of the *Victor Record*. The *Record* was the morning paper, and the local organ of the Federation. It was not inflammatory in its tone, but had published the official statements of the unions, and freely criticised the acts of the militia. A detail of 45 men marched to the office in the early evening, arrested the editor, George E. Kyner, and the four employees found there, and

²⁶ Nine cases were later filed in the district court by the federation charging John Chase, Sherman M. Bell, and Thomas E. McClelland with violating the constitutional rights of its members. The trials were held before Judge Robert E. Lewis, who held that inasmuch as the defendants were members of the state militia upon active duty they had the right to arrest persons, and that the length of time in the trial case was not an unusual length of time for confining persons without filing a complaint against them. He accordingly instructed the jury to bring in a verdict for the defendants.

Report of Judge Advocate in Biennial Report, Adjutant General, p. 191.

²⁷ Justice Reilley was an unsuccessful lawyer of the pettifogger type, a heavy drinker, and at times before elected justice of the peace, made his living by manual labor.

²⁸ Mr. Lynch was the one member of the board of county commissioners who was a member of the Western Federation. He was strongly in sympathy with the unions.

DEPORTED MEN BEING DRIVEN ACROSS THE NEW MEXICO STATE LINE. ANTONITO MOUNTAIN IN THE DISTANCE.



took them to the "bull pen." The business manager and the press man arrived soon after the arrests had been made. Mrs. Langdon,²⁹ a linotype operator, having heard the news, came with all haste to the office. The doors were barred and admittance refused to a new squad of soldiers, and working with might and main this remnant of the force put out the issue at the regular time in the morning. At the head of the first page appeared the legend: "Somewhat disfigured but still in the ring." Mrs. Langdon then went up to see her husband, who was one of the employees arrested, and being refused admittance presented the guards with scarcely dried copies of the morning edition. The *Record* force was kept imprisoned for 24 hours, and then, under orders from Governor Peabody, was turned over to the civil authorities charged with criminal libel.

Whatever difference of opinion there may have been as to the need for troops, there could be none as to the effect of their activity once upon the scene. The fact that the campaign expenses were being borne temporarily by the mine owners could not but have its effect.³⁰ The military leaders were from the first in the closest sympathy with the mine owners, and the efforts of the troops were devoted not so much to the simple preservation of order, as to the crushing of the activity of the unions. General Bell expressed himself very simply on this point: "I came," he said, "to do up this damned anarchistic federation."³¹

²⁹ Mrs. Emma F. Langdon is the author of a book on the strike situation, *The Cripple Creek Strike*, which has been adopted by the Western Federation of Miners as the official statement of its side of the case.

³⁰ The *Army and Navy Journal* makes a terse comment on this action:

"But that he (the Governor) should virtually borrow money from the mine owners to maintain the troops he had assigned to guard their property, was a serious reflection upon the authorities of the state. The arrangement virtually placed the troops for the time being in the relation of hired men to the mine operators and morally suspended their function of state military guardians of the public peace. It was a rank perversion of the whole theory and purpose of the National Guard, and more likely to incite disorder than prevent it."

³¹ General Bell gives his idea of the extent of his powers in the conclusions of his report to the governor, *Biennial Report, Adjutant General*, p. 20.

CONCLUSION.

"In concluding the report, I am not unmindful of the fact that during the critical times during the different military campaigns, when in a moment's notice, and without hesitation or a second's delay, it became necessary to act

CIVIL AND MILITARY AUTHORITY

The general quartering of troops throughout the district, their spectacular activity, and especially such events as the arrests of public officials, newspaper men, etc., caused much excitement, and at times aroused strong public indignation. Hot-heads were not lacking with all sorts of suggestions for retaliation. The sheriff's office was besieged with demands that he should form a posse, and take the prisoners out of the "bull pen" by force, and had the sheriff been a stronger man serious trouble might have been precipitated. The county commissioners showed their cool headedness by calling in as expert counsel Ex-Governor Thomas, and United States Senator Patterson, both attorneys of large experience.³² These men argued and advised, and explained between the various parties, and wielded an important influence in keeping the situation from the breaking point.

The friction between the civil and military authorities found its way into the courts. Friends of Chas. Campbell, H. H. McKinney, Sherman Parker, and James Lafferty made application in the district court for writs of habeas corpus, and Judge Seeds issued writs returnable on Sept. 18th. Upon the date set counsel appeared for the militia officers and moved to quash the return. The court set the hearing of the motion for Sept. 21st. Lieutenant McClelland appeared on the morning of the 21st, and asked permission to file an amended return. This Judge Seeds permitted but declared that it was imperative that the prisoners should be produced in court. The militia officers answered in a significant way. Ninety cavalrymen rode to the court house and surrounded it; the court was cleared, and only court officers and members of the bar permitted to pass in. A

quickly; the point of law is that, when, in a Constitution or a statute, the powers of a military commander are defined or decided upon as a military necessity, the definition is exclusive. The definition of "Military Necessity" is very respectfully submitted, viz.:

"Military necessity recognizes no laws, either civil or social."

See also Ray Stannard Baker in *McClure's Magazine*, March, 1904.

³² Both are prominent Democrats, and stand among the leaders of the party in Colorado.

company of infantry escorted the prisoners to the court house, and fourteen men with loaded guns and fixed bayonets entered the court room with them. Next day the prisoners did not appear at all, though the court issued two orders for them. On the 23d, the court house was again surrounded by a large body of infantry and cavalry; a gatling gun was placed in the street in front; and a detail of sharpshooters occupied the roof of the National Hotel across the way. Under a guard of 35 soldiers the prisoners were then allowed to appear. The same proceedings were repeated on the 24th.

Judge Seeds decided the cases in favor of the petitioners, and ordered them released. In his decision he reviewed the conditions under which the militia were present in the district; examined at length the habeas corpus law; and cited the constitution of Colorado which declares that the militia shall always be in strict subordination to the civil power.³³ He admitted that the military commanders had the right to make arrests, but declared that the persons arrested must be turned over immediately to the civil authorities. General Chase refused to obey the order of the court, and took the prisoners back to the "bull pen." Later in the day they were released upon telegraphic orders from Governor Peabody. Other writs were granted from time to time and recognized by the militia officers, but the men were often rearrested immediately thereafter, and the orders of the court thus as effectively thwarted as though they had not been obeyed.

The presence of the National Guard had the desired effect

³³ *Constitution of Colorado.*

ARTICLE II.

WRIT OF HABEAS CORPUS:

Section 21. That the privilege of the writ of *habeas corpus* shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

MILITARY SUBORDINATE TO CIVIL POWER:

Section 22. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

From the opinion of Judge Seeds "There could be no plainer statement that the military should never be permitted to rise superior to the civil power within the limits of Colorado."

in facilitating the opening of the mines. Within a week after the arrival of troops the Findlay, Strong, Elkton, Tornado, Thompson, Ajax, Shurtloff, and Golden Cycle had started up with small complements of men. On Sept. 17th, seventy strike breakers arrived under military guard, and next day three car-loads more came into camp. Numbers of federation members, out of sympathy with the strike and the organization, and assured of protection, returned to work. The mine owners issued an estimate on October 10th, showing 2,900 men employed, of whom 1,200 were union men employed by the Portland and other "fair" mines.

The Mine Owners' Association had agents in a number of states offering a three dollar wage and transportation, to men who would take work at Cripple Creek. They were not always careful to say that there was a strike in progress in the district, and the men were often unaware of the conditions until their arrival, when they were practically forced to go to work. On Sept. 19th, a number of new arrivals were being escorted to the Independence Mine by a company in charge of Lieutenant Hartung, when one of the number broke away and called to his fellows not to go to work but to follow him. The lieutenant tried to arrest the man, and upon his continuing to run fired at him. A warrant was issued for Lieutenant Hartung, but the military officers would not allow it to be served.³⁴

³⁴ The warrant was sworn out upon affidavit made before Notary Abby C. Coldwell by Emil Peterson, the man shot at, and his companion Carl Hanson. The latter part of the affidavit is as follows:

"On the 8th of September I went to Duluth to get work. At Duluth B. B. Gilbert & Co. labor agents, 5 South avenue, west, employed me to go to work in the Colorado gold mines. I was to get from \$3 to \$5 per day to fire boilers in the mine. I was shipped here from Duluth. Mine owners of Cripple Creek advanced me \$18 for car fare. The company would pay this if we contracted to work a month. About seventy-five men were shipped from Duluth. I don't know how many quit on the way. Others joined at St. Paul, making near 150 altogether. I think that about eighty of these, of whom only five had ever worked in a mine arrived last night, Friday, September 18. B. B. Gilbert and Co. told us there was no strike in Cripple Creek. They had a newspaper in the office, saying: 'No strike in Gold Camp; all men go to work.' At Colorado Springs we discovered there was a strike. Men with spectacles on who said they were mine lessees met us in Colorado Springs and came on with us. I stayed last night at the Rhodes house with a party of ten. We took breakfast and then went to a building near where the shooting occurred. Here there were many others. The men were lined up and an

The number of troops in the district was gradually reduced during October and November, the reports of the Adjutant showing 498 men on duty November 30th.³⁵

officer said; 'Come on boys, go to work.' I said out loud in Spanish, 'Don't go to work.' I started to run and he fired at me with a pistol. I ran zig-zag to avoid the bullet. He fired once. I got away."

The militia based its action on section 15, chapter 63, *Session Laws*, 1897. No person belonging to the military forces of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend to military duties.

³⁵ For full accounts of the numbers and distribution of the men during the whole period of operations, see Adjutant's Report in *Biennial Report of Adjutant General*, 1903-4, pp. 127-140.

CHAPTER IV

TELLER COUNTY UNDER MILITARY RULE

ATTEMPTED TRAIN WRECKING AND VINDICATOR EXPLOSION

An apparent attempt was made to wreck a Florence and Cripple Creek passenger train on the night of Nov. 14th. Spikes and fish plate bolts were removed from the rails, but the track not entirely separated, and the train passed the point in safety. Two nights later a second attempt was made at a point near Victor. The track makes a sharp curve around a projecting hillside at this place, and a train leaving the rails would roll 300 feet down a precipitous slope to the bottom of a ravine. The destruction of life in a crowded accommodation train of light coaches could not but be terrible. But the train was warned and passed in safety.¹

Next morning detectives Scott and Sterling² came to the office of Judge Seeds and stated that they had received information of the intended attempt at wrecking the night before, and had watched, viewing the operation and identifying the men. They were ready they said to make informations, but were afraid the sheriff's office would in some way allow the men to escape, and asked for the issue of bench warrants which they could serve direct. Later in the day H. H. McKinney and Thomas Foster were arrested by a squad of militia, and charged with the of-

¹ General Manager Jesse Waters of the F. & C. C. R. R., in a signed interview Nov. 18th, said two men in the attempt were known and would be arrested. Referring to a report that the attempts had been made by union men, he said: "We have too much respect for Union Men to think for a moment that any of them would resort to such methods. * * * * "There were Union men aboard the train."—*Cripple Creek Times*, Nov. 18th, 1903.

² D. C. Scott was the detective for the Midland Terminal. K. C. Sterling was a special detective in the employ of the Mine Owners' Association.

fence. They were afterward turned over to the civil authorities.

While in jail McKinney made a written confession to detectives Scott and Sterling, in which he implicated Thomas Foster as participant, and Sherman Parker and W. F. Davis as accessories.³ Later he made another written confession to Frank J. Hangs, the Cripple Creek attorney for the Federation, in which he denied the statements in the first confession, saying that it had been brought to him already prepared and signed under promise of \$1000.00, and immunity from punishment, and transportation for himself and wife to any part of the world, and that he believed Scott and Sterling had secured the confession from him to clear their own skirts. He also wrote a letter to his wife which contained the same statements as those in the second confession.

Parker, Davis, and Foster were charged with conspiracy to commit murder, and came to trial in the District Court in February 1904.⁴ The prosecution rested its case largely upon the testimony of McKinney. He now swung round again; declared his first confession to be true and the second one false, and gave a detailed story of his participation in two train wrecking attempts. Parker, he said, had first broached the matter, and finally offered \$500.00 for the job. Foster had assisted him in the first attempt, and he had secured Charles Beckman to help him the second time. His testimony remained unshaken through a most searching cross examination.

Mrs. McKinney corroborated the testimony of her husband in some points. Charles Beckman testified that he had become a member of the Federation as a spy for the Mine Owners' Association, and while apparently aiding McKinney had been keeping Detective Sterling posted as to the course of events. Detectives Scott and Sterling swore that they received tips from Beckman, and had watched the men make the attempt, and

³ The three were prominent union men. Sherman Parker was president of the district union. W. F. Davis was president of Altman union.

⁴ *District Court Records*, No. 752.

People vs. Sherman Parker et al.

³ *Mills Annotated Statutes*. Sec. 1421 A.

that when they came up close to recognize McKinney the men had run away.

The defense attempted to show that Scott and Sterling, being in the employ of the mine owners, had themselves made a bogus attempt at train wrecking, and bribed and frightened McKinney into a perjured confession which should convict union officers and throw the union into disrepute.⁵ McKinney on cross examination admitted making the confession to Attorney Hangs, but declared that it was a false one. He also admitted writing the letter to his wife which contained the same statements, but said he had lied. The defense showed that McKinney had been given unusual privileges at the jail, being sent out to his meals and allowed to spend some time with his wife away from the jail, and that both himself and wife had been furnished with new outfits of clothing. McKinney said he did not know who paid for the clothes and meals, but that it might have been Sterling. He denied that the detectives had promised him money or immunity from punishment, and said that they had merely promised to use their influence to secure leniency for him.

Victor W. Mather, a butcher employed in the union store at Victor, swore to having been walking along the F. & C. C. tracts upon the night of Nov. 16th going to his home, and to have come upon two men tampering with the rails. They ran away, but he got close enough to have a good look at them, and identified them upon the stand as Scott and Sterling. Engineer Rush of the F. & C. C. Ry. testified that Detective Scott had asked him where the best place would be to wreck a train, and that he had told him of the place where the attempt was made. J. C. Moore, section foreman for the F. & C. C. Ry. testified that on the morning after the attempt he went to the place where the rails had been tampered with, and found in the fresh snow the tracks of two men coming down to the railroad. There were tracks going down from the road, but the men had been running and slipping and he could not tell any-

⁵The charges in train wrecking cases were made the principal basis for declaring Teller County in a state of rebellion. See Governor's proclamation, Dec. 4th.

thing about the footprints. He measured one of the tracks above the railroad carefully, and said Scott told him it was his. There were the tracks of two men only on the hill at this point. A number of witnesses testified that Beckman had tried to persuade them to commit various acts of violence to win the strike. Others testified to prove an alibi for Foster. It was shown that a number of union men were on the train that would have been wrecked had the attempt been successful.⁶

District Judge Lewis of Colorado Springs presided at the trial, and the jury was selected from a special venire of 80 chosen from points of the county outside the mining area. Most of the jurors were ranchmen or timbermen, and none were miners or union men.⁷ The jury, in about half an hour, brought in a verdict of not guilty.

McKinney on the witness stand had testified as follows:

"Q. Mr. McKinney, as I understand you, you agreed to wreck a railroad train for \$500, is that correct? A. I believe so, yes. Q. And you were going to share that with your partners in crime, is that correct? A. I suppose so. Q. So that for \$250 you were willing to plunge the souls of men into eternity in that way by wrecking the train; you were willing to kill men for \$250, is that correct? A. Looks that way. Q. You undertook the job of killing them for \$250? A. Yes, sir. Q. Now are you in that same frame of mind now that you would kill men for \$250? A. I might under the same circumstances." He was either a criminal of the worst type according to his own confession, or a man who had endeavored to perjure other men to their death. Judge Lewis after the trial refused to admit him to bail. Several weeks later his case was nolled on the ground of his having turned state's evidence and his companions in the crime having been set free.⁸ He was then

⁶The digest of testimony given here was made from the manuscripts of the court stenographers.

⁷Charles Matthews, John Lee, Aaron Smith, F. M. Longevell, A. S. Chadwick, W. J. Lindsay, David Vaughn, C. D. Profit, J. A. M. Smith, F. E. Robinson, E. A. Eiswerth.

⁸See written brief by district attorney filed with case papers N. 752. Such proceedings are taken under the general doctrine that where a person fully and impartially discloses all of his connection with a crime for the information of the state, thus leading to the detection of others, the implied faith

arrested charged with perjury,⁹ but released on bond furnished by S. D. Crump, the attorney for the Mine Owners' Association, and W. M. Bainbridge, superintendent of the El Paso Mine.

On Nov. 21st, while Chas. H. McCormick, Superintendent, and Melvin Beck, shift boss, of the Vindicator Mine, were descending the shaft, an explosion occurred which wrecked the cage and killed both men instantly. The explosion took place at the 600 foot level where no work was being done, and as a shattered pistol and pieces of copper wire were found it was generally supposed to have been the result of deliberate intent. The Mine Owners' Association accused the Western Federation of Miners with causing the explosion, and offered a reward of \$5,000 for evidence leading to the conviction of the perpetrator, but no such evidence was found.

The mine was under military guard at the time, and no union man was allowed to enter it. The 600 foot level was connected with other unused surface openings and might have been entered through one of these, but careful search failed to reveal any evidence of such action. Sheriff Robertson, Deputy District Attorney Cole, and employees of the mine, made a careful search of the property immediately after the explosion, and came to the conclusion that the person who took the explosives into the mine did so through the working shaft.¹⁰

A STATE OF INSURRECTION AND REBELLION

Governor Peabody held conferences during the latter part of November with officials and prominent members of the

of the government, although not expressed, is given to him that he shall not suffer in consequence thereof. Such doctrine is cited from various authorities by the district attorney.

⁹On information by Frank J. Hangs one of the federation attorneys.

Following the deportations of June, (See chapter V.) the case was dismissed by the request of Mr. Hangs, who stated that his witnesses had been forced to leave the district.

¹⁰The following is the coroner's verdict, after a careful examination of all the evidence available:

"From examination made at the mine and the evidence introduced, this jury is unable to determine the exact cause of said explosion.

(Signed.) "JOHN KETELSEN,
"Foreman."

Cripple Creek Citizens Alliance, and the Mine Owners' Association, and on Dec. 4th issued a proclamation declaring Teller County to be in a state of insurrection and rebellion. The proclamation recited the attempts at train wrecking, and the Vindicator mine explosion; declared a state of general lawlessness to exist in the county, and the civil authorities to be making "no practical attempt to preserve order and to protect life and property;" and concludes: "Now therefore, I, James H. Peabody, governor of the State of Colorado, by virtue of the authority in me vested, do hereby proclaim and declare the said County of Teller, in the State of Colorado, to be in a state of insurrection and rebellion."¹¹ Major H. A. Naylor, protected by a detail of 50 cavalrymen, read the proclamation on the streets of Victor, Goldfield, Independence, and Altman. The people assembled to hear their state of rebellion declared, and then returned quietly to their homes.

The district had been under military guard for three months, and 500 men were still in the field. A large percentage of the mines were successfully working, and outwardly at least good

¹¹ At the time of the proclamation not a single unserved warrant was in the hands of the sheriff. A number of men were in confinement at the county jail on charges growing out of the strike difficulties. Among them were Sherman Parker and W. F. Davis, charged with being accessories to the attempted train wrecking, held under failure to raise \$30,000 bonds. Three other men were held on the same charge under \$15,000 bonds, and four men held under bonds of \$15,000 each, charged with causing the Vindicator explosion. All were later acquitted by the courts, or their cases nolled.

Judge Seeds in a card to the public Dec. 4th, said in part:

"At no time since the advent of the military in this district has any prisoner charged with crime by that authority been discharged or released by this court under habeas corpus proceedings or otherwise, and in all cases where discharge has been granted by habeas corpus it has been purely for lack of information authorizing or even suggesting to the court the commission of any offense or the violation of any public law on the part of the individual detained. In all other cases where either affidavit or information has been filed against such individual for the commission of any offense, he has been remanded to the custody of the sheriff of Teller County and bail fixed commensurate with the offense charged."

The two other district judges were Louis W. Cunningham, and Robert E. Lewis. Judge Lewis was a Republican, appointed by Governor Peabody and elected through the influence of the mine owners. He was a man of ability and integrity, and had full authority to sit in Teller County at all times. Judge Cunningham, a Democrat, had a wide reputation among all parties for conservative judgment, and for intolerance for crime committed under any circumstances whatsoever.

order prevailed throughout the district. The declaration is most surprising under such circumstances. Governor Peabody explained in interviews that his only intention had been to establish a limited martial law to enable the militia to hold men who had been released by the civil courts "on flimsy or whatever pretexts."¹²

But the military authorities did not interpret their power to lie within any such narrow limits. General Bell issued a statement on December 5th, of which paragraphs are quoted.

"The County of Teller, in consequence of the occupation of the militia, is subject to the supreme military authority and control when necessity requires and occasion demands, and it becomes necessary to suspend, in part or its entirety, by the occupying military authority, of the criminal and civil law and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution or dictation.

"The militia may proclaim that the administration of all civil and penal law shall continue either wholly or in part as in times of peace, unless otherwise ordered by the military authorities.

"As martial law is executed by military force it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men."

Lieutenant Libby, adjutant of the district, proclaimed Teller County to be "in possession of the military forces of the State

¹² From interview published generally in Colorado papers Dec. 6th.

"There has been no provost-marshall appointed, nor will there be any. The same holds good with the provost court, about which I have read. The civil courts will continue as they have of old; likewise the civil authorities. The military is authorized to overstep them only in certain instances. The only purpose of the establishment of the qualified martial law is to hold men who have been released by the civil courts on flimsy or whatever pretexts. It is only in the case of such persons that the writ of habeas corpus will be suspended. The press will not be molested any more than it has been since the beginning of the strike."

of Colorado * * * The military district commander will therefore cause the county to be governed until the restoration of municipal authority." The assemblage of people in the streets either by day or night was forbidden; all persons were warned to surrender their arms or munitions of war of any kind to the military commanders upon penalty of imprisonment; and it was declared that no publication reflecting upon the government of the State of Colorado or "upon the action or actions of the military forces of the State of Colorado" would be permitted.¹³

Having made their proclamations the militia officers proceeded to act. Military camps were formed in the various towns and cities. The local police officers were deposed, and their places taken by militiamen, who patrolled the streets night and day. Major Naylor proceeded to the office of the Victor *Record* and informed the editor that a censorship had been placed upon his paper. He was instructed to print only ordinary news items. Articles criticising the militia or state administration were forbidden, and the official statements of the miners unions were to be barred. The editorial already prepared for the next morning was ordered stricken out, and the paper appeared with the space blank and black margined.¹⁴

¹³ Extract from proclamation:

All persons in possession of arms, equipments and munitions of war of every description are required to surrender the same on or before 12 o'clock noon, Tuesday, December 8, 1903, to the military district commander, taking his receipt for the same. Any person or persons failing to surrender the said arms, equipments and munitions of war shall be arrested and confined in the military prison and further punished as occasion may require.

No publication, either by newspapers, pamphlets, or handbill, reflecting in any way upon the United States and the State of Colorado, will be permitted, and all articles of news or editorial comment or correspondence, making comment upon the action or actions of the military forces of the State of Colorado or of the organization above referred to will not be tolerated.

All assemblages of people in the streets, either by day or by night tend to disorder, and are forbidden.

The proclamations, cards, and orders of this time are to be found in full in the *Special Report of the Labor Commissioner*, Senate Document No. 122, 58th Congress, 3rd Session, p. 207 and following.

For the Official Military Orders see *Report of Adjutant General* for 1903-4, p. 113 and following.

¹⁴ The suppressed editorial is here given in full.

"Martial law has been declared in Teller County. The proclamation was issued at noon yesterday by Colorado's governor. The reasons given by the

Arms were received in considerable numbers, some registered and returned, some kept.¹⁵ It became apparent immediately

governor are principally that the court and officials in this county have not and will not enforce the law. Those are the reasons given by Peabody for publication, but the *Record* believes that the real reason is that the troops, under their past course, have failed to break the strike, at least, in a manner satisfactory to the mine owners of the district.

"It is our opinion that a larger bull pen will be established and that within a few days every labor leader and every man who cannot give a good excuse for not being at work will be arrested and confined in the bull pen.

Words cannot be found strong enough to condemn this action on the part of the governor. Many people believe it to be political. It is stated that if this was a Republican county there would have been no martial law here, and the *Record* believes that this statement is right. The proposition is to drive all the people out of this county who are not in accord with the present State administration. If you will note the arrests that will follow this proclamation of Governor Peabody you will find that that statement will be verified. Men in the past and since the strike begun have been arrested, it is our belief, because some enemy of theirs was near enough to the powers to have it done, but not a single administration enthusiast has been arrested.

"The *Record* believes that this is a shame on the courts of this county. Judge Seeds has done all that a judge could do and has given the mine owners all that any reasonable people could ask for. How much more bonds will they ask for than \$15,000, as in the case of Sherman Parker and others confined in the county jail? The sheriff of this county has been as active as any sheriff could be. If the blowing up of the Vindicator mine was malicious, why didn't they capture the men or, if they have the right man, what is the necessity of declaring martial law? If they have the evidence, those men can be convicted without any extreme exertion. The *Record* believes in the full enforcement of the law and it stands ready to condemn any official who does not do his honest duty, but we object to the name the governor of this State and his advisers seem determined to give the Cripple Creek district.

"Talk about tyranny! Where can you point to more tyrannical action than that which has been practiced by the military since they were sent to this district? The *Record* does not know at this time how far it will be allowed to express its opinion under the reign of military law, but we purpose to proceed just as if we lived in free America. We want to do justice to everybody and propose to do that to the best of our ability. We realize that Peabody is governor and under the law we must respect his order, and are willing to because it is law, but until the order is issued that citizens and newspapers can not express their opinions we will proceed in the paths of justice as we construe it."

¹⁵ GENERAL ORDERS

No. 1.

For the information of those concerned, the following paragraph, an extract from proclamation, dated these headquarters, December 5, 1903, is referred to:

"All persons in possession of arms, equipments and munitions of war of any description are required to surrender same on or before twelve o'clock, noon, Tuesday, December 8, 1903, to the Military District Commander, taking his receipt for same. Any person or persons failing to surrender the said arms, equipments and munitions of war will be arrested and confined in military prison and further punished as occasion may require."

And the following instructions are promulgated:

"That all persons, who by virtue of holding warrant as a police officer,

that the intention was to disarm only members of the unions or their friends. The Federation officers issued a circular declaring that the constitutional right to bear arms could not be questioned, and advising the men not to give them up.¹⁶ The men concealed their weapons and kept them, and the militia made frequent forays and searches in the endeavor to get them. John M. Glover, a Cripple Creek attorney, former congressman from Missouri, issued a letter through the press defying the militia to take guns from his office.¹⁷ Colonel Verdeckberg immediately ordered his arrest. A military detail went to the office and finding it locked started to tie the door with the intention of starving Glover out. Thinking that an attempt was being made to break in Glover fired through the bottom of the

marshal, constable, sheriff or deputy sheriff, or persons employed as watchmen over property, may be granted permit to carry arms, ammunition and equipments in the discharge of their lawful duty, by the Military District Commander upon presentation of credentials acceptable to him and upon the delivery of such arms, ammunition and equipments for registration at a place designated, which is, until further orders, at his headquarters at Camp Goldfield, Victor, Colorado.

"Any person or persons selling, loaning or in any way distributing any arms, ammunition or equipments shall, before the execution of such sale, loan or delivery, present these said arms, ammunition or equipments, together with the credentials of the party to whom it is to be sold, loaned or delivered, as above prescribed.

"Citizens may, upon presentation as above stated, be permitted to have and to keep at their homes, or at their place of business, weapons for defense when it may appear such is necessary in the protection of life and property in the judgment of the Military District Commander.

"By order of Colonel Verderberg.

"H. M. LIBBY,
"First Lieutenant and Adjutant First Infantry,
First Brigade, N. G. C., Adjutant of the
District."

¹⁶ " * * * * we have conferred with eminent council in regard to the matter, and herewith enclose a copy of their opinion, by which you will see that no one, whether members of the state militia or not, has the right, forcibly or otherwise, to take from you firearms, and if they do so, it is at the peril of their lives."

This was enclosed with a legal opinion by attorneys Richardson & Hawkins of Denver, based upon the following section of the *Colorado Constitution*.

Article II, Section 13. That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question, but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

¹⁷ For copy see *Adjutant's General's Report*, p. 117, also Col. Verdeckberg's *Report*, same.

door. The guardsmen answered with a fusilade, and Glover, shot through the left arm, surrendered.

The following order was issued on Dec. 30th.

"Any person able to work and support himself in some honest and respectable calling who shall be found loitering or strolling about, frequenting places where liquor is sold, begging or leading an idle, immoral or profligate course of life, or not having any visible means of support, shall be deemed a vagrant."

"Notice is hereby given that from and after January 7, 1904, all vagrants as hereinbefore defined, who shall be found within any of the cities and towns or any part of Teller County, Colo., will be promptly arrested by the military authorities and dealt with according to law."

"All persons within the said territory who fall within the above definition of a vagrant are hereby given until the above mentioned date within which to become engaged in some honest and lawful pursuit, after which they will be taken into custody without further notice."¹⁸

The Federation officers posted placards declaring that the militia could not carry out such an order, and urging the men to stand upon their rights. Judge Seeds of the district court granted an injunction restraining the National Guard from deporting or sending out of the district any members of the Western Federation of Miners. On Jan. 8th Colonel Verdeckberg called the union officers to a conference, and said that the militia did not intend to molest union men so long as they obeyed the laws and did not stir up trouble.

Military rule was followed by more general arrests of union men. Details need not be given. Nearly every union officer, or union man who made himself disagreeably prominent, found his way to the "bull pen." Some were kept only for a short time, others to the number of over 20 were released on writs of habeas corpus granted by Judge Seeds. Governor Peabody announced the writ of habeas corpus suspended in the case of Victor Poole, and the militia refused to honor the writ issued

¹⁸ *Biennial Report, Adjutant General*, p. 116. "On December 30, 1903, all unemployed men were notified to leave the district, in a proclamation issued by the Military District Commander as follows: * * * * " (See above).

by Judge Seeds. An appeal was taken to the Supreme Court, but a final decision avoided by turning Poole over to the civil authorities.¹⁹ The submission of the militia to the courts was still more apparent than real, however. The men released under habeas corpus proceedings were rearrested at pleasure, and thus a heavy check kept upon the activity of the unions.

Squads of militia forcibly entered union meetings and took away men. James A. Baker, a member of the executive board of the Federation from Rossland, B. C., came to open a cooperative store in Goldfield. Colonel Verdeckberg told him another store was not needed, and gave him his choice of leaving the district or being imprisoned. M. E. White of the executive board of the American Labor Union was arrested immediately upon his arrival at Cripple Creek, confined two days, and then deported, warned never to return again. Five men were arrested on Jan. 9th charged with being agitators and having no legitimate means of support. They were imprisoned for a week, and then deported. The house of Mrs. Mart Morrison was searched, and she was compelled to walk to Victor, where she was released.²⁰

The conditions for disinterested citizens became at times almost unbearable. Some of the lower officers, drunk with their temporary power, exercised an authority that amounted to petty tyranny on every possible occasion. If one man had a grudge against another he had only to report him to the military authorities as an agitator to secure his arrest. If a man were overheard making disparaging remarks concerning the militia he was promptly hustled off to the "bull pen." There is food for thought in the summary of the situation which one of the officers gave to the author: "If a man kept his mouth shut he was all right." It became a question whether one could go along the street without being molested. A drunken militiaman was a common sight. Women were warned to stay on one side of the way, and all but ridden down when they insisted upon

¹⁹ Poole was tried on January 9, 1904, on the charge of assault with intent to kill, but no witnesses appeared against him, and he was discharged.

²⁰ A large number of other arrests were made upon charges of drunkenness, disorderly conduct, abuse of patrols, etc. For detailed list see *Biennial Report, Adjutant General*, pp. 178-186.

erossing. Teachers were stopped and turned back when on the way to school. Sentries stationed near the Cripple Creek High School sought to flirt with the students through the windows, and threw notes into the building.²¹

The Mine Owners' Association issued a statement in March, of which the following is a part:

"The avowed purpose of this association is to drive the disturbing and dangerous element of the Western Federation of Miners from the district and from the state, if possible, and we call upon all non-union miners and the citizens at large to assist us in this effort. The welfare of the district demands this, and it is equally imperative that the non-union miners and all honest citizens cooperate with this association to secure the election of public officers who will stand for law and order on all occasions.

"In view of all these considerations, and with the determination to eliminate all dangerous characters, it is our purpose to establish a central bureau of employment, which shall receive and act upon all applications for work in all the mines connected with this association. This method will secure good and steady employment for all good workmen and decent citizens, and will throw out all those who are in harmony with the unlawful methods adopted by the Western Federation of Miners on so many occasions."²²

This was followed by the adoption of the card system, which

²¹ The above incidents are taken from a number of accounts by non-partisan and indisputable witnesses. Too much must not be said, however, that would seem to heap condemnation upon the whole rank and file of the state militia. It was not of their own wills that they left their homes and occupations to spend rough, uncomfortable months in the mining camps, but in necessary obedience to the orders of their superior officers. Many of them were union men, and hated the thought of being called out against workmen. This side of the case found little recognition among the striking miners, and they heaped abuse, and curses, and petty insults upon the militia men from the start. When opportunity came for retaliation it was simply human nature to make payments with interest. The large majority of the men were gentlemen. They indulged in the "horse play" which always develops when a crowd of young fellows are thrown together for some time, but this must not be classed with such acts as related above. It is a misfortune of the whole Cripple Creek difficulty that every class concerned seems to have to be judged by its worst members.

²² Official Published Statement of the Mine Owners' Association, March 10, 1904.

prevented any member of the unions from obtaining employment in the mines or mills of the district.²³

The Federation at about the same time issued a flag poster which was widely distributed. The United States Flag was printed in the correct colors, with an inscription in black letters on each stripe. The inscriptions read as follows:

“Martial Law Declared in Colorado!

Habeas Corpus Suspended in Colorado!

Free Press Throttled in Colorado!

Bull Pens for Union Men in Colorado!

Free Speech Denied in Colorado!

Soldiers Defy the Courts in Colorado!

Wholesale Arrests Without Warrant in Colorado!

Union Men Exiled from Homes and Families in Colorado!

Constitutional Right to Bear Arms Questioned in Colorado!

Corporations Corrupt and Control Administration in Colorado!

Right of Fair Impartial and Speedy Trial Abolished in Colorado!

Citizens Alliance Resorts to Mob Law and Violence in Colorado!

Militia Hired by Corporations to Break the Strike in Colorado!”

On the large posters there was also a picture of Henry Maki, a union miner of Telluride, as he had appeared on March 2nd shackled to a telephone pole because he refused to work upon the streets as ordered by the militia. Several paragraphs of comment accompanied the picture, and at the top was the question: “Is Colorado in America?” President Moyer was arrested for the publication of this poster, charged with desecrating the American flag, and the military authorities refused to release him upon the order of the courts. The famous Moyer Habeas Corpus Case was the result.²⁴

²³ The manager of the Dorcas Mill was notified in December, 1903 that his mill would be boycotted unless he discharged all union men in his employ. The plant then became strictly non-union.

²⁴ Secretary Haywood was tried before Justice Hynes of Denver on the same charge. The decision was for defendant.

The citizens of the Cripple Creek District remained quiet, orderly, and self-contained during the period of military rule. The movements of the militia itself formed the only evidence of a condition of "insurrection and rebellion"²⁵ The troops were gradually withdrawn beginning with the 11th day of December, and by January 16th only 170 men were on duty.²⁶ This number was reduced to less than 100 early in February, and all the men were finally withdrawn on April 11th.²⁷ The conditions were not by any means satisfactory. Most of the mines were hampered from lack of men, and running with inexperienced men was proving expensive. But the mines were all being operated in some fashion, and the strike appeared to be at an end.

²⁵ The Western Federation issued a proclamation on March 12. One paragraph is given.

"We wish once again to call the public's attention to the fact that the Western Federation has at no time made any demand of the mine owners of the Cripple Creek district other than that they withdraw their patronage from the mill trust in order that living conditions might be secured for the employees of said mills."

²⁶EXECUTIVE ORDER.

Whereas, On December the fourth, 1903, I did issue my proclamation declaring the county of Teller, in the State of Colorado, to be in a state of insurrection and rebellion; and,

Whereas, Since that date the conditions within said county have been, and are, rapidly changing, and peace and good order in said county are being fully restored, and it has been shown to me that the civil authorities are able and willing to control the situation, to perform their legal functions and to enforce the law; it is, therefore,

Ordered, That the further application of military authority under such proclamation shall be, and hereby is, suspended, and the provisional detachment now in Teller county will act in support of, and in subordination to, the legally constituted civil authorities of said county, and for the purpose of carrying out this order and to enable the civil authorities to enforce obedience to law and to protect life and property, a suitable detachment of the National Guard of Colorado will remain in Teller county, under command of Colonel Edward Verdeckberg, until further orders.

This order to become operative and to be in force and effect from and after Tuesday, February 2, 1904, at 10 o'clock a. m.

Given under my hand and executive seal this twenty-eighth day of January, A. D. 1904.

(Signed) JAMES H. PEABODY,
Governor and Commander-in-Chief.

See *Biennial Report Adjutant General 1903-1904*, p. 134.

²⁷ February 20th, the number of men was 2. *Report of Adjutant in Biennial Report of Adjutant General*, p. 135.

CHAPTER V

THE FINAL CRISIS

THE SIXTH DAY OF JUNE. INDEPENDENCE EXPLOSION AND RIOTS

The town of Independence lies in a deep valley, some half a mile from Victor and just below Altman. The station of the Florence and Cripple Creek Railroad stands high up on the hillside in the area where many of the finest mines of the district are located, and where mining operations have for all the district been most concentrated. The mountain roughness is more than usually evidenced here in steep hillsides and broken contours. Dumps from the mines form an enormous disorder through which the railroads tunnel, over which they run, and against the encroachments of which they scarcely protect by constant "riff raffing." Poorly lighted, gloomy, full of pitfalls, abounding in chances for secret work and concealment,—it is a spot peculiarly suited to the perpetration of crime and deeds of darkness. It is in a sense at the heart of the mining industry.

Many of the mines change shifts at two o'clock in the morning. It is the "grave yard" shift that goes on at this midnight hour, and the railroads furnish special cars to take the early night shift men to their homes. The F. & C. C. R. R. train is due at Independence station at two fifteen. On the morning of June 6th it whistled for the station; the platform crowded with men from the Findley Mine; then there came a fearful explosion, and the air was filled with flying earth, and timbers, and the dismembered bodies of men. Where the platform had stood was a yawning hole in the ground, and the station was wrecked and broken, its floors blown up, its walls smashed in, great holes torn through the heavy roof. Men were blown 150 feet straight up the hillside and mutilated beyond recognition.

Thirteen men out of twenty-seven were killed outright, and the smashing upward blow made six amputations necessary. At noon the next day men were still picking up bits of flesh and bone in tin pails. The men from the Shurtloff mine escaped by being a minute late. They were running for the station when the explosion took place.

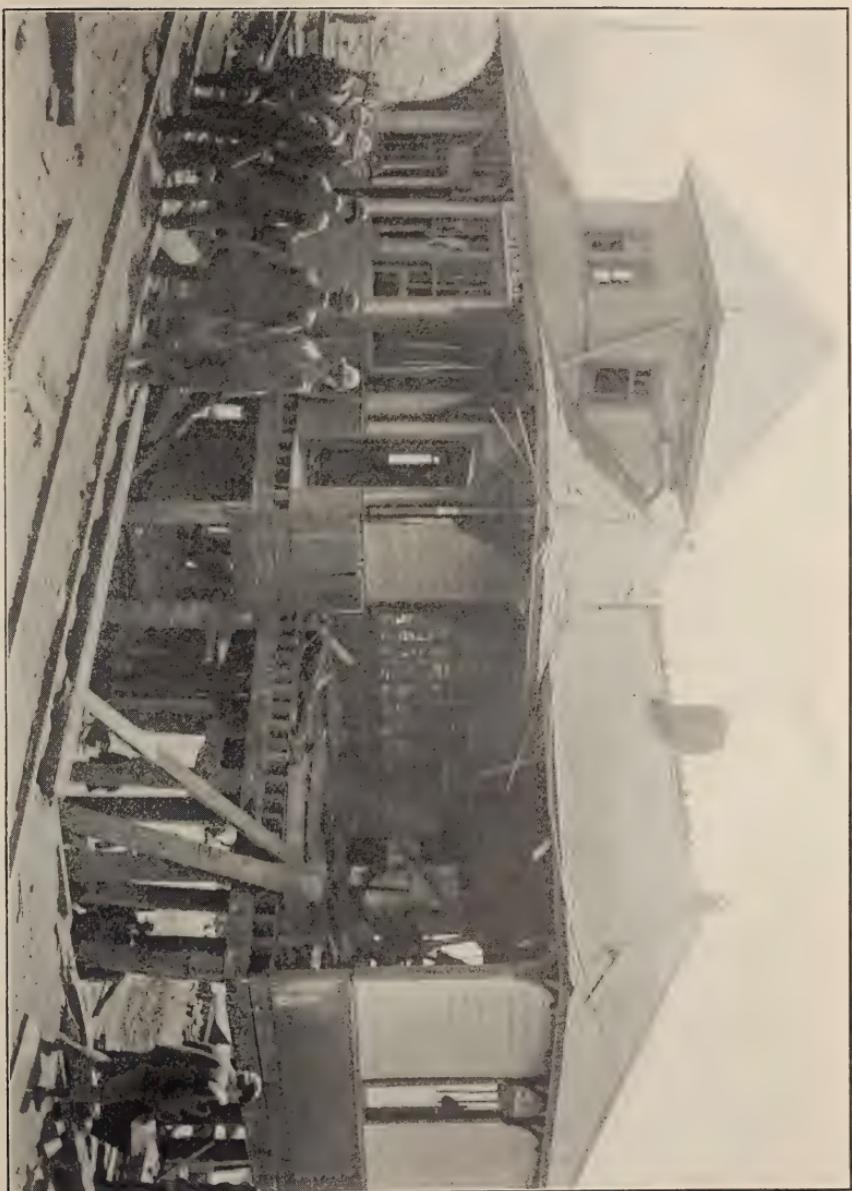
Word was at once sent to James S. Murphy, the manager of the Findley Mine, to A. E. Carlton, its principal stock holder, and to Sheriff Robertson. At 3 o'clock a special train left Cripple Creek bearing the above named men, deputy sheriffs, doctors, and nurses. The space around the depot was roped off and search begun immediately for clues. The broken pieces of a revolver were found nearby, and about 200 feet of wire running to one of the nearby dumps, where its end was attached to a chair rung. A telegram was sent to Canon City asking for bloodhounds.¹ The bodies of the men were removed to the coroner's office at Victor. The Cripple Creek District military companies were ordered to collect at once at the armory at Victor, where Major Naylor took charge.

The news of the explosion spread rapidly in the early morning and created the most intense excitement. Most of the mines shut down, few of the men even reported for work, business was generally suspended, and excited groups held discussions everywhere. By common consent the explosion was attributed to the Western Federation, and the most ugly rumors were in the air—the officers of the unions were to be burned at the stake—every union man was to be driven from the district. Union men and non-union men alike armed themselves to the teeth, and prepared for whatever should happen. The situation seemed of its own accord to center around Victor. General reports went out of a mass meeting to be held there, trouble was expected, and groups of men went constantly in that direction.²

¹There have been various accounts of what the bloodhounds did when put upon the trail, but they succeeded in accomplishing nothing.

²The annual convention of the Western Federation of Miners, being in session at Denver at the time, passed the following resolution.

"No. 87. Whereas, A crime has been committed in the blowing up of the Golden Circle depot in the Cripple Creek District, we, the delegates of the



INDEPENDENCE DEPOT, WHERE FIFTEEN MEN LOST THEIR LIVES.

At about 9 o'clock, Manager Murphy of the Findley Mine and Major Naylor, of the militia, called at Coroner Doran's office, and forced him to allow the removal of the bodies to the undertaking parlors of J. H. Hunt. The reason given was that Coroner Doran was understood to have spoken of the explosion as "an accident." Later in the morning the county commissioners held a special meeting at Victor. It was decided that Sheriff Robertson was too weak a man to handle such a serious situation, and that he ought to leave the county and let stronger hands be in control. Accordingly when the sheriff came over from Independence he was met by the commissioners, who insisted that he should leave. He consented and started for the train. But members of the Mine Owners' Association and Citizens Alliance had held a meeting meanwhile and decided upon drastic measures. Their committee met the sheriff and took him to the armory. Here a written resignation was presented for his signature, and upon his refusal a noosed rope was shown him, several shots were fired outside, and he was told that he would be turned over with the rope to a mob that was forming. Then the sheriff signed the paper giving up his office.³ Marshall O'Connell of the city, attempting to interfere and disarm the mine owners, was kicked out with no great gentleness.

The county commissioners immediately appointed Edward Bell sheriff. He had been Robertson's opponent for nomina-

twelfth annual convention of the Western Federation of Miners, deplore the act as a most dastardly crime and condemn the perpetrators thereof as enemies of the Western Federation of Miners and organized labor in general, and an outlaw at large; and,

"Whereas, The Secretary of the Mine Owners' Association has sought to use the sentiment created by this disaster to drive all union men out of the district, and in consideration of the above statement, be it

"Resolved, That we, the delegates of the twelfth annual convention, assembled, hereby offer a reward in the sum of \$5,000, to be paid on the arrest and conviction of the perpetrators of the crime.

"Denver, Colorado, June 7, 1904."

³ On July 1st. Mr. Robertson wrote a letter to the board of county commissioners demanding that they recognize him as sheriff. Later he made written demand upon Sheriff Bell for the surrender of the office, saying that he had been forced to sign a resignation, and that the board had been forced to accept it, and that he was still legally in office. These letters receiving no recognition he returned to the district and made some personal efforts to secure the office. but without success.

tion on the Democratic ticket at the previous convention, and was considered a strong man for the position.⁴ Bell immediately discharged under-sheriff Burton, and appointed in his place L. F. Parsons, the secretary of the Citizens Alliance. A large number of deputies of the mine owners' choosing were also appointed.

It became more and more apparent that the situation was exceedingly serious, and that a false step might precipitate a reign of terror at any minute. The county commissioners felt strongly that a mass meeting while feeling ran so high could not but result in trouble, and they requested the mine owners to give up their intention of holding the afternoon meeting at Victor. This the mine owners committee agreed to do, but failed to keep its word.

At the corner of Fourth and Victor Avenues, almost at the center of the business portion of the city of Victor, there is a large vacant lot. A hillside has been excavated to allow it to run well back, and buildings of considerable size complete the boundary of its two interior sides. It thus forms a natural amphitheatre. Across the street on one side in the summer of 1904, was the union store, and across the street on the other, the miner's union hall. It was for this place that the mass meeting was reported, and people began to gather there early in the afternoon. Marshall O'Connell of Victor hastily appointed about 100 union men as deputy policemen, armed them, furnished them with badges, and lined them up on three sides of the square. The purpose was apparently to prevent or break up the mass meeting. Mayor French sent for O'Connell, and after a heated interview removed him from office, and revoked the commissions of his deputies. Major Naylor was immediately appointed Marshal. The deputies removed their badges and dispersed.

The crowd at the corner of Victor and Fourth Avenues con-

⁴ Edward Bell and General Sherman Bell are not related. Edward Bell was appointed assessor by the Democratic Governor when Teller County was created, and was an unsuccessful candidate for nomination to some office in every succeeding convention. He had become prominent in the Citizens Alliance. After the strike he joined the Republican party, and was elected to office by that party in November, 1904.

tinued to grow, and groups of armed and angry union and non-union men added to the number constantly. About 3 o'clock Sheriff Bell, C. C. Hamlin, Secretary of the Mine Owners' Association, and S. D. Crump, the Attorney for the Association, came to the square.⁵ Secretary Hamlin mounted an empty wagon, and began a speech which from the first became violent, unrestrained, with judgment and caution thrown to the winds, of a kind that could not but arouse to frenzy men whose passions were already deeply stirred. He had just denounced the union miners as a gang of cutthroats, membership in whose order was a badge of murder and arson, and declared that if the civil authorities could not reach them the people should take the law into their own hands, when a man in the crowd shouted out an angry question. Immediately someone struck him in the face, and a fist fight started. One man drew a revolver and struck another over the head with it. A single shot was fired. Then there came a fusilade of shots; a bedlam of cries and oaths; and everywhere the confusion of people falling and rushing to places of safety. When the firing ceased five men lay on the ground, two of them fatally wounded.⁶

The wonder is that twenty men were not killed instead of two. The square was packed with people, and such was the height of passion that men were seen to draw their revolvers and fire simply at random into the crowd. The square was promptly cleared, many of the union men retiring to their hall.⁷

⁵ The narrative of the riot is taken from the accounts of several non-partisan eye witnesses. One of them, a Cripple Creek business man, stood upon the high bank just behind the wagon, where he could observe every detail. McGee was standing beside him when shot down, and he is of the opinion that the bullet was meant for Secretary Hamlin.

⁶ Roscoe McGee and John Davis killed. The men killed and wounded were all non-union miners. Peter Christman shot through the mouth, Fred Studewass, shot through the lungs, J. J. Hasner shot through the back.

⁷ The reports from the coroner's inquests upon the Independence explosion and Victor riots should be read with due regard to the extreme partisan nature of the juries. The juries appointed by Coroner Doran were discharged after he was forced to resign, and new ones impanelled from among mining men and members of the Citizens Alliance. The verdict upon the Independence explosion was as follows: "We further find . . . that said crime is one of similar crimes designed and executed in the Cripple Creek District during the past few months and perpetrated for the purpose of killing and intimidating non-union men and thereby preventing them from working; that said crimes are the result of a conspiracy entered into by certain members of the Western Federation of Miners

The militia hurried up from the armory immediately after the shooting. A line of men was stationed around the union hall, and squads of men placed upon adjacent buildings which commanded the windows of the hall. Sheriff Bell, accompanied by Postmaster Sullivan of Cripple Creek, entered the hall and demanded that the men disperse, but this they refused to do, saying that the hall was their home. Postmaster Sullivan had witnessed the shooting of Davis, and recognized in the hall the man who had fired the shot. The militia demanded that the miners surrender. The miners refused. The militia then commenced firing upon the hall, pouring volley after volley into the building, smashing glass and brick, and tearing up the interior.⁸ Finally, with four men wounded, the miners surrend-

and known, incited, and furthered by certain officers of that organization." However strong the inference may have been against the federation it could have been only an inference, for no evidence was found to even bring to trial any individual for the commission of the crime.

The report on the Victor riots reviews the events of the day, and declares that a body of 90 armed union men were collected in the afternoon "to commit acts of violence, to override the law, and to take human life." Being dispersed by the sheriff "about 50 in number secreted themselves in and upon a building in said city used and occupied for the miners Union Hall. That certain other members of said mob stationed themselves at different points on the streets and other places in said city, including the stores operated in the interests of said Western Federation of Miners. That the riot was started by a member of the said mob . . . when he attempted to shoot and kill C. C. Hamlin . . that thereupon many shots were fired, principally by the members of said mob, both from the front windows and roof of said union hall and from the front part of said union store and different points in the street, and that certain of such shots took effect as herein above stated, causing the death of said Roscoe McGee and John Davis.

That it was the evident intention of the leaders and members of said mob, as shown by the testimony and their own declaration, to shoot down and take the lives of citizens, called by them the mine owners.

We further find from the evidence that the officials of said Western Federation of Miners are primarily responsible for the crimes committed as aforesaid."

The jury examined a large number of witnesses concerning shooting from the union hall. Several testified that they had seen men with guns in the windows of the hall, but that none of them were seen to aim or fire. George Scott, an insurance man, testified to having seen a man with a Winchester fire two shots from a window of the hall. The physicians who attended McGee and Davis all swore that the course of the bullets had been slightly upward, so these shots could not have come from above.

(From typewritten copy of testimony before coroner's jury.)

⁸ From the account of the Adjutant General (*Biennial Report Adjutant General* 1903-4, p. 224). This account adds that a second messenger, sent to warn the miners that firing would be commenced upon them if they did not immediately surrender, was fired upon. "A few shots were returned from the hall * * * probably in all there were 200 or 250 shots fired."

ered and were placed under arrest.⁹ No sooner were they gone than a mob rushed in and completed the wrecking of the interior, smashing the furniture, and tearing up the volumes of the union library.

Bodies of soldiers, deputies, and armed citizens, scattered throughout the district, arresting union men wherever they were to be found. By night about 200 men had been arrested and placed in hastily located "bull pens."¹⁰

The excitement at Cripple Creek grew more intense as night approached. The report from Independence in the early morning stunned the community for the moment. But as the mines closed, and the men came into the city to be idle for the day, a great wave of feeling went forth, which grew and grew with each fresh report and rumor, until the late afternoon bringing distorted news of the Victor riots found a situation that was fast reaching the limit of control. Darkness saw thousands of people collected on the main streets of the city, and excited groups of men rapidly collecting into a mob. The police were powerless. Prominent Citizens Alliance men took the lead. The union hall was entered and utterly wrecked, its furniture and ornaments smashed up, its books destroyed and its walls defaced and smashed in. The union store was broken into, and its stock thrown into the street, oil poured among the provisions, and part of them carried away. The other cities of the district saw similar scenes of violence. By midnight not a union hall or store in the whole county but had been more or less completely wrecked.

Next morning the intense excitement of the day before had gone, but in its place was a grim determination. The Western Federation of Miners was held responsible for the disasters, and it must go. A meeting of prominent mine owners and members of the Citizens Alliance discussed the situation, and determined that the undesirable members of the community should be driven away or expelled. No half way measures were

⁹ The four wounded men were: Thomas McManus, Arthur Parker, Ed McKelney, Peter Calderwood.

¹⁰ Most of the men were imprisoned in the Victor Armory. About 150 men were under guard there. See *Adjutant General's Report*. p. 224.

to be taken. Refusal to renounce membership in the Federation and take out a mine owner's card was to be absolute evidence of undesirability. A commission of seven was appointed to examine and pass upon prisoners brought before it.¹¹ At five o'clock in the afternoon 25 union men, under the guard of deputy sheriffs, were put aboard a train and sent out of the district.¹² No charges were made against them, and many of them had been told that they could remain if they would give up their allegiance to the Federation.

THE ANNIHILATION OF THE UNIONS

Lieutenant Governor Haggott, in the absence of Governor Peabody from the state, issued a proclamation again declaring Teller County to be in a state of insurrection and rebellion.¹³

¹¹ "Judge" H. McGarry, Chairman.
N. Franklin, Former Mayor of Victor.
F. M. Reardon, Post Master Victor.
Mayor F. D. French of Victor.
J. B. Cunningham.
G. E. Copeland.
T. J. Dalzell.

¹² For a complete list of the names see *Biennial Report of Adjutant General 1903-4*, p. 225.

¹³ PROCLAMATION.

WHEREAS, There exists in Teller county, Colorado, a large number of armed persons acting in conjunction with a large number of persons outside of that county, who are fully armed and acting together for unlawful purpose; and,

WHEREAS, Open riot and insurrection now exist in said county of Teller and felonies and murders have already been committed by such persons, who are still threatening to committ murder and felonies, and are offering violence to the citizens and property of said county, and are resisting the laws of the State of Colorado; and,

WHEREAS, At divers and sundry other times various crimes have been committed in said county of Teller by and with the aid and under the direction of said vicious and lawless persons and the security of persons and property is now threatened in said county; and,

WHEREAS, Threats, intimidation and violence are threatened and it is believed will be resorted to by said lawless class of individuals; and,

WHEREAS, It is represented to me by the sheriff of said Teller county that the civil authorities within said county are unable to enforce the law and to secure peace and order in said county, and that it is necessary to put the military in said county for the purpose of enforcing the law and restoring peace and order;

Now, therefore, I, Warren A. Haggott, Acting Governor and Commander-in-

General Bell arrived at midnight of the same day, and immediately took command. Sheriff Bell recognized the general's authority as supreme, and the two worked in complete harmony in the measures that followed. The first act was to dispatch a party of militia and deputies to Dunville, a new Fremont County mining camp about 12 miles from Victor, where one man was killed and fourteen others brought back prisoners to Cripple Creek.

On the night of June 8th the plant of the Victor *Record* was completely wrecked. Eight men entered the press rooms, and holding up the employees with rifles and revolvers, smashed up all the machines with sledge hammers, and scattered the type about the floor. In the morning the *Record* had published an editorial advising that the strike be called off. The editorial contained near the end the following paragraph:

"The *Record* will stand in the future, as in the past, ready to condemn all lawlessness. It has no respect for the actions of a Sterling or a Scott, or for such speeches as was made by Mr. Hamlin, Monday, or for the miners' resistance at Miners Union Hall, and it will not hesitate to condemn them, just as it will the work of the dynamiter when he is found. The *Record* does not have the confidence of the mine owners, of the military, or of the Citizens Alliance, and it makes this plea solely in the interest of the men and women of this district that are without work, without money, without food, and that believe there is no hope of winning the strike and want it called off."

There was some opinion that the wrecking was done by members of the unions angered at the changed tone of the paper. The *Record* employees declared however that they recognized two of the men as members of the Citizens Alliance. When the *Record* undertook to continue its publication, having been offered the use of the *Star* press, the owner of the *Star* was informed by

Chief of the military forces of the State of Colorado, by virtue and authority in me vested, do hereby proclaim and declare the said county of Teller in the State of Colorado, to be in a state of insurrection and rebellion.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed at Denver, the State capital, this 7th day of June, A. D. 1904.

(Signed)

WARREN A. HAGGOTT,
Acting Governor.

the Citizens Alliance that he would be boycotted if he did not withdraw his assistance. The *Record* management later presented a bill of damages against the state for \$4,206 (including loss of 9 days business at \$75 per day), which was paid.¹⁴ When it resumed publication the *Record* announced that it had buried the past, and would support the new order.

The resignation of Sheriff Robertson was but the first of a large number of resignations among the civil officers, forced by threats and actual violence, by committees of the Mine Owners' Association and Citizens Alliance. The list included county officers, Coroner James Doran, and Deputy District Attorney J. C. Cole; of Cripple Creek, Justice C. M. Herrington,¹⁵ Marshal W. J. Graham, and Night Marshal Fred Harding; of Victor, Justices R. L. Thomas and David Kelly, Police Judge Michael Gibbons, Alderman J. W. Murphy and J. J. Tobin, Jailor James Printy, and Night Marshal Michael Lamb, and of Anaconda, the marshal and several members of the city council.¹⁶ The most extreme case was that of the town of Goldfield, where the entire city government was overthrown. All six of the aldermen, the whole police force, city clerk, treasurer, and street

¹⁴ The itemized account was as follows:

To linotype supplies.....	2,264.00
Additional linotype supplies.....	46.00
Cylinder press supplies.....	250.00
Job press supplies.....	85.00
One job press.....	225.00
Labor, press machinist.....	125.00
Additional labor on presses.....	50.00
Folder repairs.....	25.00
Paper cutter repairs.....	60.00
Type, material, stones, etc.....	350.00
Typewriter	45.00
Clock	6.00
Nine days business.....	675.00

4,206.00

The *Record* had been a most active critic of the Peabody administration, the militia and the Citizens Alliances. After the resumption of its publication and the payment of its damage bill by the state, it became a supporter of the administration and the Alliances.

State Auditor's Certificates of Indebtedness Nos. 6338, 6339, 6340. Issued Nov. 10, 1904.

¹⁵ The Board of County Commissioners refused to accept Mr. Herrington's resignation and he continued in office.

¹⁶ *Report of Adjutant of District in Adjutant General's Report*, p. 228.

commissioner were driven out, most of them put under military arrest, and officers practically chosen and given authority by the Citizens Alliance put in their stead.¹⁷

Frank J. Hangs, a prominent attorney of Cripple Creek, local attorney for the Western Federation of Miners, was arrested and held for some time, and his house searched for papers. The resignation of Frank P. Mannix, county clerk and recorder, was demanded. He refused, but left the county as a matter of safety. Patrick McCarvel, a Victor business man who had refused to join the Citizens Alliance, and expressed himself freely in sympathy with the unions, was driven from the district. Upon his return he was immediately arrested by Marshal Naylor, put on an outgoing train, and told that if he returned again protection would not be afforded him.

While considering the advisability and amount of a reward to be offered, and methods of ferreting out the perpetrators of the Independence Station crime, the county commissioners were called upon by a committee from the Mine Owners' Association who demanded the employment of S. D. Crump as Special Prosecuting Attorney for the Independence cases, and all others arising from the strike, with a fee of \$10,000 to cover all services, detective and otherwise. The demand was repeated by the Citizens Alliances of Cripple Creek and Victor, and was complied with by the commissioners.¹⁸ The vacant position of Deputy District Attorney was filled by C. C. Butler, a Cripple Creek attorney.¹⁹

The action of the state militia at this time, viewed from a simple historical standpoint, was most extraordinary. Teller County had been declared in a state of insurrection and rebel-

¹⁷ *Special Report of the United States Commissioner of Labor.* Senate Document No. 122, 58th Congress, 3rd Session, p. 252.

¹⁸ S. D. Crump was the attorney for the Mine Owners' Association. One wonders at the large fee.

¹⁹ The work of Mr. Butler offers a grateful contrast to the general partisan or fearful action of most of the county officers at this time. Mr. Butler was a Republican in politics, and was naturally in sympathy with the elements that were in temporary illegal power. He believed, however, in the absolute observance of the law, and the impartial prosecution of lawlessness, and refused to prostitute his office to any partisan ends whatsoever. In following his conscience he ruined his political prospects. His work will show repeatedly in the closing pages of this narrative.

lion. Its civil government had been practically overthrown, many of its officers forcibly deposed, and the others prevented from the exercise of their functions. A mob, organized and acting with deliberate forethought, headed by prominent citizens, but none the less a mob pure and simple, was overthrowing city governments, destroying property, arresting and forcibly deporting citizens—all this in the presence of the National Guard sent to restore order, yet not opposed by them, but on the contrary its actions acquiesced in and aid given to it in every possible way.²⁰

The commission of seven appointed to examine men for deportation, received the sanction and authority of Adjutant General Bell.²¹ Under the name of The Military Commission it held its further sessions in the offices of the Mine Owners' Association, and continued to try men and recommend them for deportation. "Judge" McGarry made a statement of the work of the commission in an interview June 14th.²²

"We cleaned up the deportation slate last night as far as those arrested up to the time were concerned. We will have a short session this afternoon, beginning at 1 o'clock, at which we will attempt to dispose of the men arrested last night and this morning. We are not deporting any criminals nor any who might make good witnesses. The only difference between those deported and those remaining is in their expressed sympathies. Those who are on the wrong side of the Federa-

²⁰ To understand the situation it is necessary to keep in mind the tremendous wave of feeling caused by the terrible events of the sixth of June, also what was said in Chapter I, Part II relative to the county and city governments and the attitude of the state government.

²¹ Special Order No. 1. A temporary commission is hereby constituted composed of the following named persons. Frank D. French, Nelson Franklin, J. B. Cunningham, F. M. Reardon, H. McGarry, C. E. Copeland, T. J. Dalzell. Said commission will assemble at once and judge of probable guilt or innocence of incarcerated people, and report to these headquarters as promptly as possible.

By command of General Sherman M. Bell.

Capt. First Infantry N. G. C.
GAIL S. HOAG,
Adjutant of District.

Biennial Report of Adjutant General, p. 26.

²² Mr. McGarry was never a judge, but a Colorado Springs attorney, for a number of years a partner of J. Reed Crowell. His brother-in-law was a heavy stock holder in the Golden Cycle mine, and he (McGarry) became a director and attorney for that company.

tion question have to go. Otherwise they are just as good men as many who are permitted to remain in their homes."

Seventy-two men were deported under military guard June 10th. They were carried on the Atchison, Topeka & Santa Fe Railway to a point near the Kansas line, and then marched out of the state. Other bodies of men were deported throughout the month, some to the Kansas line and some to the New Mexico line. Two hundred twenty-five men were carried out of the state in this way.²³ This number must not be supposed to include all those driven from the district. A great many men were examined by the commission and simply warned to leave, and a much larger number scattered into the mountains, and avoided possible arrest and deportation by leaving the district on foot.²⁴

It will be remembered that the Portland and some smaller mines had been declared "fair" by the unions, and continued in operation from the beginning of the strike. The hold of the Federation could not be entirely broken in the district so long as these mines were operated with union labor, so it was decided to close them. Adjutant General Bell issued a proclamation on the 9th, and proceeding to the mine offices of the Portland forced the superintendent to shut down.²⁵ Except for the statement in

²³ For complete lists of the names of the men see *Biennial Report of Adjutant General* 1903-4, pp. 225, 226, 227, 229, 231, 234, 240, 241, 242, 243.

²⁴ The legality of the deportations has been defended upon the principle of scattering a mob. Deportation it is claimed is the mildest form of legal action.

²⁵ PROCLAMATION.

WHEREAS, The governor of the State did, by proclamation issued on the 7th day of June, 1904, declare the county of Teller therein to be in a state of insurrection and rebellion, and the territory comprising the said county is now under the rule of military law, and now being held and occupied by the militia of said state and,

WHEREAS, A reign of lawlessness, violence, and crime has existed in said county for several months last past, inaugurated, encouraged, and carried forward by certain evil-disposed persons, resulting in wholesale assassinations of many peaceable and law-abiding citizens; and,

WHEREAS, Said reign of violence and crime still exists in said county, so that the peace of the community is threatened, lives and property of the citizens are menaced, and mob rule and violence now threaten to over-ride the law; and,

WHEREAS, The Portland mine, situated in said county, is, and for a long time has been, engaged in employing and harboring large numbers of dangerous lawless men, who have aided, encouraged, and given comfort and assistance to those who have been guilty of said crimes and outrages, so that said mine has become and now is a menace to the welfare and safety of the good

General Bell's proclamation the Portland miners are generally admitted to have been a more than usually good class of workmen. Those among them who would renounce the Federation and take out mine owners' cards were allowed to return to work: the others were deported or driven from the district. The Pride of Cripple Creek Mine, and the Winchester and Morgan Leases of the Wedge Mine, were closed in the same way on the 11th.

James F. Burns, the president of the Portland Gold Mining and Milling Company, brought suit in the United States District Court against Governor Peabody, General Bell, Sheriff Bell, and the Mine Owners' Association, for \$100,000 damages for the forcible closing of the Portland, and deportation of its miners.²⁶ The directors of the company however held a special meeting and repudiated the action of the president, ordering the suits withdrawn. The mine opened with non-union labor June 21st.

The partial wrecking and closing of the union stores, and the expulsion of such a large number of the men, left many of the miners' families destitute. The Federation furnished supplies to these through two grocery firms of the district, and various

people of said county and a hindrance to the restoration of peace and good order;

Now, by the power conferred on me as commander of the military force in said county, and as a military necessity, it is ordered that the said mine be at once closed and all men found therein or thereabouts who are dangerous to the community be arrested and held until further orders.

SHERMAN M. BELL,
Brigadier General, Adjutant General,
State of Colorado.

Report of Adjutant General, p. 222.

²⁶ Mr. Burns in a letter written the preceding November said as to the position of the Portland: "The employe goes into the market to sell his labor, and as employers desiring to purchase labor, we have always been willing to treat with him individually or with any person or concern he may appoint as his agent, whether it be union or otherwise. Always recognizing that labor has an equal right with capital to organize or combine; we feel that we have no more right to dictate whether or not our employes belong to a union than we have to dictate whether or not they belong to some church. What we desire is efficiency in the labor we employ and we know we have it to a higher degree in the present union force than could be obtained from any new set of men until after they had been schooled for a long time in our employ. Therefore we are content, and believe that we have at the mine and mill about 700 of the best men in the Rocky Mountains."

The Portland had always operated on the open shop principle, and was not closed during either the strike of 1894 or the strike of 1903.

county organizations gave aid in cases of the greatest necessity. The militia officers warned the stores and various individuals to cease giving this aid, and on June 14th an order was issued by Colonel Verdeckberg forbidding the extension of aid to any of the miners' families, and directing that all supplies for this purpose be turned over to the military.²⁷ The militia did not follow this order with any reasonable effort to supply the poverty stricken families, and had not many of the sympathetic citizens and organizations of the district absolutely refused to respect it, there must have resulted the most intense suffering. The apparent intent was to compel the immediate removal of the deported miners' families, as the final step in the annihilation of the unions. Such an order sheds final light upon the attitude of the military authorities at this time.

The shut-down following the atrocities of June 6th was brief. The mines rapidly resumed operations, and with the reopening of the Portland the campaign for complete and satisfactory operation was being carried on as vigorously as before. Considerable inconvenience and expense was still met, incident to the employment of so many unskilled men, but the mine owners stoutly asserted that conditions would soon be as satisfactory as before the strike.

During the period of deportations²⁸ many members of the unions, satisfied that the situation was absolutely hopeless for

²⁷ SPECIAL ORDERS

No. 19.

No organization will be allowed, while this county is under military control, to furnish aid in any form to the members of any organization or their families in this county unless the same is done through military channels. Major Thomas E. McClelland is Provost Marshal of this military district, and he stands ready to receive from any person or organization any money or other supplies which are for distribution to any person rendered needy by reason of the military occupation of this county for the suppression of insurrection, and all money and other supplies so furnished will be applied to the relief of the persons above referred to.

EDWARD VERDECKBERG,

Commanding Teller County Military District in the absence of
Brigadier-General Sherman M. Bell.

²⁸ The report showed 1,569 men examined; recommended for deportation 238; recommended for trial in criminal courts 42; recommended for release 1,289.

"Of those recommended for deportation the list was composed of agitators, ore thieves, keepers of fences for stolen ore, habitues of bawdy houses, saloon bums, and vagrants. The examination was conducted along the line of the

the Federation, and thinking of the future for themselves and families, gave up their affiliation and took out mine owners' cards. In December, 1904 Secretary Hamlin stated that out of about 3,500 men employed over 2,000 had been in the district before the strike as members of the Western Federation of Miners. The military commission made its final report and disbanded on July 26th. On the same day Governor Peabody issued a proclamation declaring the "further application of military occupancy or authority suspended." Full authority was turned over to Sheriff Bell, and the troops were withdrawn. The strike was over.

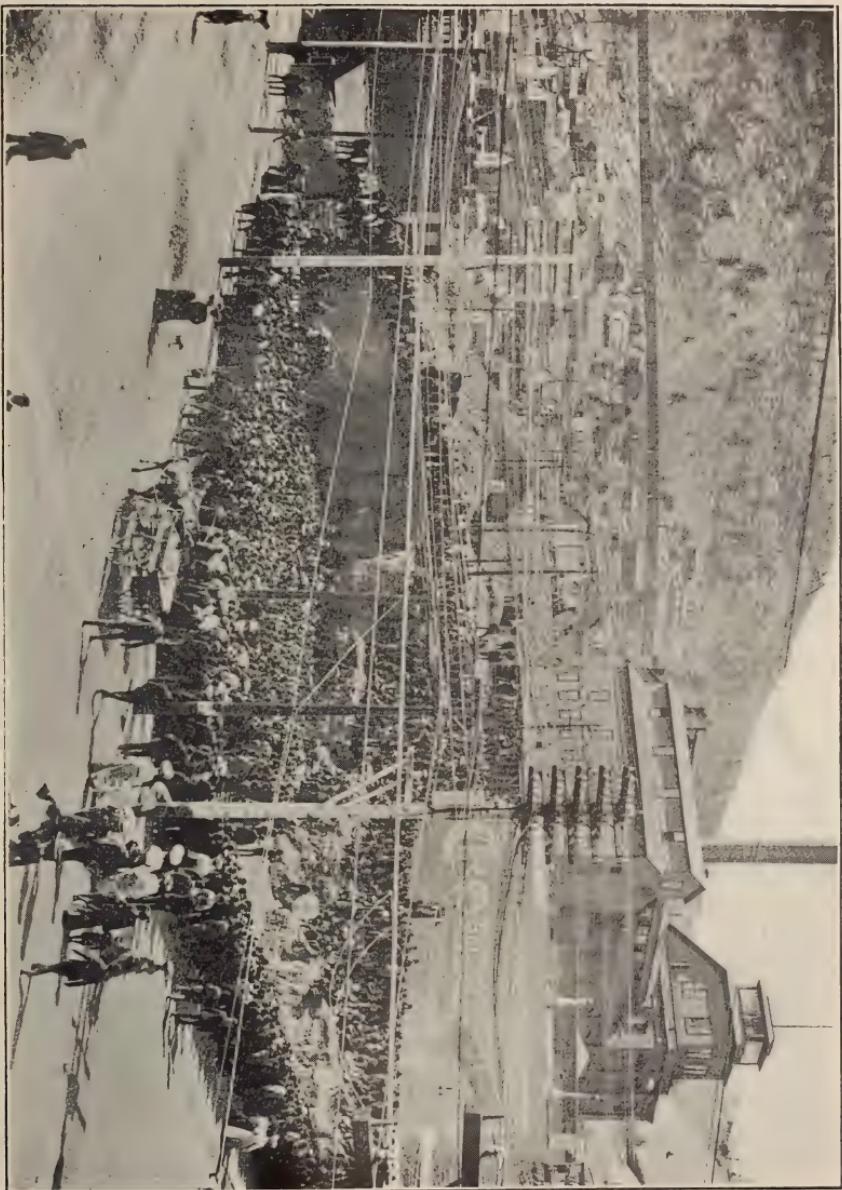
PERIOD IMMEDIATELY FOLLOWING THE STRIKE

Although the miners unions of the Cripple Creek District were entirely broken up, the Western Federation declared the strike still in progress, and in fact has never officially withdrawn it. Partisan feeling continued to run strong for a considerable time, and showed itself for months after the withdrawal of the militia. Five men, J. C. Frazier, David O'Neill, William Hovey, C. M. Tully, and Fred Warburton, who had been deported but returned to the district, were run out of Victor by 25 masked men. At some distance from the city they were robbed of all their valuables, including passes that had been issued to some of them by the militia. They were then flogged; one of them knocked down with a rifle and kicked, and then sent on, threatened with hanging if they should ever return. Eleven Italians, who came into the district in a body on the F. & C. C. R. R., were escorted out by a body of citizens. W. J. Donnelly, a former mayor of Victor, went on the bond of one of the arrested miners, and was threatened and warned to leave the district.²⁹ T. H. Parfet, and John Harper, managers

desirability of those examined for residence in the district, with a view to peace and law observance, and no other purpose was had in view of the recommendations."

(Signed by each member of the commission.)

²⁹ Deputy District Attorney Butler went to Mr. Donnelly, and asked him in the interests of general law and order to make affidavit to the facts so that



THE VICTOR MASS MEETING.

of the union stores at Cripple Creek and Victor, returned to settle up the affairs of the wrecked concerns. Harper was taken from his home by a number of masked men, beaten, and driven from the district. Parfet met the same experience later, being so badly beaten that he could not walk. The home of George Seitz, a former union man who was leasing and had not taken out an association card, was entered in the middle of the night, and several shots exchanged, Seitz standing his ground and driving the men out. A. L. Leduc, while returning home from taking supper with a neighbor, was waylaid, robbed, beaten with the handles of whips, and run out on the road to Canon City. G. R. Hooten, who had been manager of the Federation store at Anaconda, was taken from his home, beaten with guns and cartridge belts, robbed of his purse and gold watch, and put on the road to Canon City.³⁰

The union stores at Victor and Cripple Creek were turned over to the Interstate Mercantile Company, about the middle of August, and the Cripple Creek store reopened. The new company was supposed to have purchased the property from the unions, but people generally believed that this was simply a disguise and that the stores were really still owned by the Federation.³¹ On the afternoon of August 20th at about 4:30 a mob of several hundred men suddenly formed on the main avenue of Cripple Creek. The store of the Interstate Company

an example could be made of the case, and such violations of the law thus prevented in the future, but this Mr. Donnelly was afraid to do.

³⁰ The case of Jack Burke may be taken as showing the extreme attitude of the associations at this time, and the partisan position of many of the county officers. Burke was a Cripple Creek business man, a property holder, and according to all the testimony in the case a good citizen. He was, however, strongly in sympathy with the miners unions, and found it wise to leave the district. Upon his return in October a criminal complaint was sworn to by Sheriff Bell charging him with vagrancy. Deputy District Attorney Butler dismissed the case, closing as follows: "I have known this man for years. I know him to be a reputable, law abiding citizen of Teller County. I have gone into this matter deeply, and I find that there is not the slightest excuse for this unwarranted arrest. For that reason I ask the court to order his dismissal." Mr. Butler also took occasion to declare publicly that in his office he recognized no class distinctions, and should look simply at the question: "Did the man violate the laws or not?" Thus was nipped in the bud what there was every evidence to believe was a plan to arrest as a vagrant every deported miner who dared to return.

³¹ This was doubtless correct, see *Official Proceedings W. F. M. A.*, 1905, p. 43.

was broken into, and its manager and clerks thrown out without being allowed to even close the safe or take the account books. The windows and fixtures were smashed, and the goods mixed and thrown into the street, where a large part of them were destroyed or carried away. Deputy District Attorney Butler, hearing of what was taking place, came to the scene, and going to leading men whom he found there asked them to order the mob to disperse, but was simply laughed at. Persisting in his efforts he was seized by three armed men, forced from the scene and detained for some time. The sheriff's office, located almost directly across the street from the store, made no effort to protect it, or to disperse the mob.³² The same evening a number of men were deported. The list is as follows:

J. C. Cole, formerly deputy district attorney.

Michael J. O'Neil, deputy county clerk and recorder.

Frank J. Hangs, attorney for the Western Federation of Miners.

H. M. Heimerdinger, manager of Interstate Company's store.

Frank Akins, local manager in said store.

Charles H. Wasson, clerk in said store.

Steve Leahy, clerk in said store.

J. W. Higgins, union man.

T. H. Parfet, union man.

Albert L. Pierce, Gus Girardo, James Redd, Patrick Maloney.

Eugene Engley, attorney, sympathizer with Federation.

The men were driven from town in buggies, and finally placed on foot on the Canon City road. Some of them were beaten and robbed, and shots were fired over their heads as they started off. All were threatened with violence should they dare to return.

Deputy District Attorney Butler, having secured affidavits

³² *Special Report of United States Commissioner of Labor.* p. 310 Sheriff Bell was in Denver and the office was in charge of Undersheriff Parsons.

In an interview next day Governor Peabody said: "I have not been officially notified of the occurrences of yesterday. No call for aid from either faction has reached me, nor have I received any intimation that the State's assistance is needed in the settlement of the local differences which exist there now. I therefore infer that the local authorities feel confident of their ability to control the situation."

from some of the deported men, prepared informations against those who appeared to have been the leaders in the wrecking and deporting.³³ The cases came to trial in the spring of 1905, but while they were before the court, C. C. Hamlin, the secretary of the Mine Owners' Association, who had in the meantime been elected district attorney, dismissed them all.³⁴

The general result of the conflict, and more particularly the effect of the deportation and scattering of the union men, was shown most strikingly at the November, 1904, elections. For the first time in the history of the county the Republican party triumphed at the polls, electing its entire ticket.³⁵ Edward Bell, having left the Democratic standard, was elected sheriff; C. C. Hamlin, secretary of the Mine Owners' Association, was elected district attorney; and the other vacant offices were filled largely with prominent Citizens' Alliance men.³⁶ The officers of the local militia companies who had been most active

³³ The following men were made defendants:

Nelson Franklin, former mayor of Victor, mill owner.

A. E. Carlton, president First National Bank, mine owner.

E. C. Newcomb, cashier same bank, mine owner.

William Carruthers, solicitor for D. & S. W. Ry.

Harry Waters, Frank Vanneck, E. K. Young; deputy sheriffs.

Charles Gunn, policeman.

A. C. Cole, former secretary Victor Citizens Alliance.

Henry Dahl, manager Ophir mine.

Dan'l McCarthy, superintendent Granite mine.

A. T. Holman, superintendent Golden Cycle mine.

William Bainbridge, superintendent El Paso mine.

L. G. Henry, R. P. Russel, John Sharpe; leasers.

Harvey Gregory, H. H. Babcock, Ira Watson, Woody Welsh, C. R. Orwig, Thomas Scanlon, Albert Stonehouse, —— Blum, —— Johnson, —— Pierce; miners and deputy sheriffs.

John Dalzell, mine superintendent.

³⁴ The district attorney has this absolute power under the Colorado laws.

³⁵ There were one or two unimportant exceptions.

³⁶ Following are the prominent Citizens' Alliance men and officers of the military companies elected or appointed to county offices:

Sheriff, Edward Bell, prominent Alliance man.

Undersheriff, L. F. Parsons, secretary Citizens' Alliance.

District Attorney, C. C. Hamlin, attorney for Mine Owners Association.

County Attorney, T. E. McClelland, major state militia.

Deputy County Clerk, G. S. Hoag, captain state militia.

County Treasurer, S. A. Phipps, president Citizens' Alliance.

County Physician, W. E. Driscoll, prominent Alliance man.

Jailer County Jail, Harley Keegan, first lieutenant state militia.

Deputy County Assessor, Frank Trego, captain state militia.

The officials of the towns and cities show the same kind of grouping.

in the later phases of the strike were also remembered, a number of them stepping into county or municipal offices.³⁷

The Colorado City and Cripple Creek strikes covered a period of a year and a half, and from the call of the second strike at Cripple Creek until the final withdrawal of the militia, a year, lacking a very few days, had elapsed. The state troops had been in the field for a period of nine months. Thirty-three men had met violent deaths, and many more been injured by crimes and accidents traceable directly to the strike. Some idea of the intensity and meaning of the struggle can be gained by noting the enormous losses involved. The militia campaigns in the Cripple Creek District cost the state of Colorado \$400,000, the pay rolls alone amounting to nearly \$200,000.³⁸ The "relief" expenditures of the Western Federation of Miners for the fourteen months beginning August 1st, 1903, were \$308,000, almost the entire sum being expended in connection with the Cripple Creek strike.³⁹ If to these amounts be added the losses to the men in pay rolls; the losses to the militiamen in the small wages received; the losses to the mine owners in attempting to operate with unskilled labor; and the losses to business paralyzed throughout the county, the sum total becomes enormous. This represents, however, only one small phase of the matter, an external index of the importance, the desperation, and the terrible mental and physical wastes of the whole contest. From the struggle that so convulsed it the Cripple Creek District has not yet recovered, and will not entirely for many years to come. To many the strike meant ruin, to others premature age. Hardly a citizen of the whole area but has had to carry some share of the load, and in losses and taxation, the burden will continue to bear heavily upon the entire state.

³⁷ At the election James Warford, formerly a deputy in the employ of the Mine Owners' Association, shot and killed two men at one of the polls. The evidence at his trial was strongly to show that the murder was cold blooded and entirely unprovoked. The jury disagreed. Judge Cunningham refused to admit Warford to bail while awaiting a second trial. District Attorney Hamlin then dismissed the case, alleging the impossibility of securing a conviction, and the great expense. A second information was later filed.

³⁸ Reports of the State Auditor and Adjutant General for 1903-4.

³⁹ Reports of Treasurer Haywood in *Official Proceedings* W. F. M. A. 1904 and 1905.

CHAPTER VI

DISCUSSIONS AND CONCLUSIONS

THE WESTERN FEDERATION OF MINERS—ITS SIDE OF THE CASE

The Western Federation of Miners was organized in a convention held at Butte, Montana, May 15th, 1893. Forty delegates, representing fifteen unions from the states of Colorado, Utah, Montana, Idaho, and South Dakota, assembled, drafted a constitution, and began an active campaign for general organization.¹ The first Cripple Creek strike came six months later, while the movement was in its infancy, and the Federation hardly more than a name. The Altman union secured a charter in the general organization, and this was utilized by the striking miners to secure uniformity and authority in their actions, but the Western Federation of Miners as a body had no connection with the strike.²

The Federation has grown steadily since its organization. By 1903 its unions numbered 200, and its jurisdiction extended over the Rocky Mountains and far western states, and British Columbia. Five hospitals are owned by it, and several co-operative stores at various mining centers. Some of the local unions provide sick benefit, and maintain wards in the local hospitals, and many of them have halls with libraries, reading rooms, and rooms for social entertainment.³

During the first years of its existence the Federation changed officers every year, but from 1896 to 1906 the office of presi-

¹ Information furnished by the unions. See also *Special Report Commissioner of Labor*. U. S. Chap. I.

Also Langdon, Mrs. Emma F. *The Cripple Creek Strike, Introduction*.

² See p. 20.

³ Information furnished by the unions. See also *Special Report Commissioner of Labor*, U. S., Chap. I.

The federation does not report its membership. The report of the Colorado Bureau of Labor Statistics for 1901-2 estimated the membership at 48,000.

dent has been held by but two men, Edward Boyce and Charles H. Moyer.⁴ William D. Haywood, elected secretary-treasurer in 1901 has held the position ever since.⁵ At the end of his sixth year in office Mr. Boyce positively refused re-election, and closed his career in a stirring speech that became a classic to his followers. Its dominant note was an appeal to class consciousness, and its climax a demand for socialistic action.⁶ When the convention closed it had voted confidence in the words of its president, and declared itself with the Socialist Party of America.⁷ President Moyer and Secretary-Treasurer Haywood, radically socialistic in their own views, lost no opportunity to direct the activity of the organization more and more into socialistic channels.⁸ The rank and file of the membership hung back, and did not accept socialistic ideas nearly so generally as has been supposed. At their annual conventions the delegates repeatedly refused to pass extreme resolutions asked for by the leaders.⁹ But the Federation has been strongly under the influence of its officers these last years.¹⁰ It is its misfortune that these men have been extremists. Its catastrophes have been mistakes of leadership.

The Federation man in speaking of the Cripple Creek difficulties prefers to merge them with the general strike difficulties of the time.¹¹ The struggle over the eight-hour question, and the wrongs done by capital therein loom large to him, and Cripple Creek is merely a phase of the general situation. The Colorado City difficulty is the immediate irritant. Here the union just formed is all but broken up by the summary discharge of its members from the employ of the Colorado Reduction and Refining Company. A strike is the remedy, a verbal agreement being reached at last, the union acting under pressure, and coming two-thirds of the way. But the company does not

⁴ *Official Reports Western Federation.*

⁵ *Ibid.*

⁶ *Ibid.*

Copy officially published by federation. Also in *Official Proceedings*, for 1902.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ See page 10, 2nd par., also f. n. 1.

¹⁰ See pages 25, f. n. 1, 36 and 37, including f. n., and page 13.

¹¹ A digest is here given of the statements of the case by various union officers.

fulfill its agreement satisfactorily—work is offered the men in such a way that they will not accept it—the management will not consider the wage scale. The other mills, which have made entirely satisfactory adjustments, become dissatisfied, and threaten to lower wages again unless the Colorado mill is forced into line. So a second strike is called. But the hostile attitude of the management has been so effective that the strike is unsuccessful. There is danger that all that has been gained will be lost if the mill cannot be controlled. Its ore can be shut off. The Cripple Creek miners are of the same organization and should support their brothers. There is added irritation in that some of the Cripple Creek mines refuse to employ union men at all. The capitalistic class in Colorado is pushing labor to the last ditch, and throttling its every move for betterment. The time for a decisive blow against such tyranny is at hand. So the miners are called out.¹²

THE MINE OWNERS' ASSOCIATION—ITS SIDE OF THE CASE

Most of the principal mine owners of the Cripple Creek District acted in concert during the strike of 1894, and came to be spoken of collectively as the Mine Owners' Association. While there was no formal organization, the name persisted during the period between the two strikes. At the opening of the difficulties of 1903-4 the mine owners continued to act collectively. On August 13, 1903, a statement was issued over the signatures of thirty mine owners setting forth the generally satisfactory conditions preceding the strike, and declaring a policy of vigorous opposition to the Federation.¹³ Soon after, steps were taken to give the organization a permanent form. The Cripple Creek Mine Owners' and Operators' Association was formally organized. E. J. A. Colburn was elected president, W. H. Bainbridge treasurer, and C. C. Hamlin secretary.¹⁴ The association acted thereafter as a body through the regular channels of president, secretary, and treasurer.

¹² *Official Reports Western Federation.*

¹³ Given in full, p. 92, f. n. 12.

¹⁴ Accounts by officers.

On September 17th the following notice was posted:

"It is hereby given out that no member of any union, affiliated or connected with the Western Federation of Miners will be given employment on this property.

"By order of the Cripple Creek District Mine Owners' and Operators' Association."

The association thereafter announced its intention not only to refuse absolutely to treat in any way with the Western Federation of Miners, or employ its members, but to prevent if possible the employment of Federation men anywhere in the district. So far as the influence of the organization would reach, mines and mills operating at the time were compelled to discharge all union workmen.¹⁵

March 10, 1904, after the first period of military rule, the association went a step further, and announced its intention "to drive the disturbing and dangerous element of the Western Federation of Miners from the district and from the state if possible."¹⁶ This was followed by the adoption of the card system, which effectually blacklisted members of the Federation. All applicants for work were furnished with a blank form for the answering of a number of questions, the last four of which were as follows:

"Are you a member of the Western Federation of Miners?

"Have you ever been a member of the Western Federation of Miners?

"If so, when did you sever your connection with that organization?

"Do you belong to any labor organization, and if so, what?"

These questions satisfactorily answered, the secretary of the association issued the applicant a card, which was surrendered and returned to the secretary upon securing employment. When a new position was sought the card was re-issued. No work could be obtained without it, and a man could be dropped at any time by simply refusing to re-issue his card.

To the mine owners the Cripple Creek strike was simply an unwarranted, arbitrary, and unjust blow, struck at the

¹⁵ *Labor Disturbances in Colorado*, in *Report of the United States Commissioner of Labor*, p. 224. Also this work, p. 117, f. n. 23.

¹⁶ Given in part on pp. 116 and 117.

instigation of a few officials while conditions were unusually satisfactory, and in spite of the actual opposition of the men concerned.¹⁷ Whatever may have been the status of the eight-hour day in Colorado City it was not involved at Cripple Creek, for the eight-hour day had been in force there for nine years. Whatever may have been the conditions at Colorado City the mine owners were not concerned. Only a few of the mines were shipping to the mill in question, and most of them were bound absolutely by contracts. It was unthinkable that they should be forced into being the club of the Western Federation for the compelling of anybody and everybody to the wishes of that organization.

The strike called, and no demands to which to accede, no grievances to settle, but one course was possible, to open the mines fearlessly, and run them in independence of the Federation. It was not to be supposed that in the future they would put themselves again under the power of such an organization, Federation men might look elsewhere for employment. When resort was had to threats and actual violence, and they were being prevented from opening the mines, it was no more than right that the state should furnish them protection, especially when the local government was so largely in the hands of their opponents, and no very active efforts were to be expected from them. The card system was to give them a record of their workmen, and to prevent the union miners from quietly getting back into power.

With the explosion and riots of June 6th, it became apparent that no permanent peace could be expected so long as the organization of the Western Federation remained in the county. Under the conditions it was almost impossible to ferret out criminals, and as the mines were successfully operating, and it was not proposed to have any further dealings with the Federation, the only thing left was to rid the community of it. This was a humane and just policy, for angry citizens were threatening general lynchings. Deportation was an act of necessity for the general welfare of the public.¹⁸

¹⁷ Digest from proclamations, and statements by officers.

¹⁸ *Ibid.*

THE CITIZENS ALLIANCES—THEIR SIDES OF THE CASE

Citizens Alliances were formed at various places in Colorado during the labor disturbances of 1903. The movement started in Denver and spread to every city in which strikes of considerable importance occurred. Business men from all ranks, with some professional men, and a few workmen, constituted the membership. A state organization was later effected. The principal avowed objects of the alliances were to restrain members of labor unions from unlawful conduct while strikes were in progress, and in general to discourage lockouts, strikes and boycotts.¹⁹

The Citizens Alliance in Cripple Creek was formed during the first shock of disrupted business conditions subsequent to the calling of the last strike. The date of its organization was August 27th, and on September 2nd it had a membership of 500.²⁰ The Citizens Alliance and Mine Owners' Association were entirely independent organizations. They had, however, a considerable common membership and worked on an informal agreement for the same end. When rumors of a lowering of wages have arisen since the settlement of the difficulty, officers of the alliance have stated, that one of the stipulations under which they gave their support to the association was that wages should not be lowered when the strike had been won.²¹

To show the attitude of the organization, soon after its formation, it issued a statement of which the closing paragraphs are here quoted.

"Resolved, That the persons most active in the work of deterring and retarding the wonderful advancement and prosperity of this, of all the United States the grandest and most bountifully endowed, through motives incomprehensible, but at best evidence of an extremely lax idea of the principles enunciated in the grandest instrument of all ages, the Constitution of the United States, should be lawfully restrained, that such an act

¹⁹ Special Report United States Commissioner of Labor, Chap. 2.

Constitution Colorado State Citizens Alliance. Statements of officers.

²⁰ Official Announcement published Sept. 2, 1903.

²¹ Statement by various members and officers to the author.

will conserve the best interests of all true American-loving citizens.

"Resolved, further, That any person who does not choose to work under the existing conditions of wages and hours, which he himself helped to establish, and persuades or attempts to induce another to refrain from honest labor, is a parasite upon the body politic, and the community should be freed from such contaminating influences.

"Resolved, further, That in contradiction to the misconceived idea of some few that our organization is antagonistic to unions or organized labor, let it be understood that we oppose no organization of individuals who act within the law, but we permit no person to arrogate the right to interpret the law to suit himself.

"Resolved, That one of the most potent factors in the settlement of the late unpleasantness is the presence in our midst of that sturdy soldier, with unblemished character, whose indefatigable efforts are on the side of right and justice, and whose very name sends a cold chill down the spinal column of the wrong doer, and to whom we raise our hats—General Sherman Bell."

When the troops were sent to the district it passed the following resolution:

"Resolved by the Citizens' Alliance of the Cripple Creek District, That we heartily approve the action of Governor Peabody in ordering the state troops to the Cripple Creek district for the purpose of maintaining peace, and we believe this is the most effectual means of stopping the crime of which we have already had several instances, and from which the majority of the citizens of this district have been in constant fear and dread, and the like of which has brought shame and disgrace on honest unionism in this county. . . . "

The alliance took a threatening attitude toward those who would not join the organization. Many men joined it because they feared boycott if they refused, and many members expressed themselves as out of sympathy with the methods employed by the organization.²² December 8th Secretary Parsons

²² Information from personal interviews. See also *Special Report, United States Commissioner of Labor*, p. 49.

in issuing a call for a special meeting closed as follows: "We herewith enclose you a list of the firms that do not belong to the Alliance. You can govern yourselves accordingly."

On June 9, 1904, during the deportation period, the membership of the association signed the following agreement:

"We, the undersigned merchants of the Cripple Creek district and employers of help, hereby agree not to employ help of any kind that is in any way connected with the Trades Assembly or the American Federation of Labor or the Western Federation of Miners."

The next day the agreement was changed to read "American Labor Union" because it was found that all barbers', printers', and carpenters' unions were included in the Federation of Labor, and their services were at the time deemed indispensable.

June 14th a general statement was issued, of which the latter part is given:

"In the future neither walking delegates, agitators, nor labor unions will be allowed to say who may or may not labor in Teller County, or who may or may not do business here.

"The sources of strife in the Cripple Creek district have been the Western Federation of Miners and the Trades Assembly, which they dominated and through which they carried out their boycotts, etc.

"There is no room in Teller County for these two organizations and their existence will no longer be tolerated. The citizens and tax-payers are bound to have peace, law, and order in Teller County, and while they have no wish to work hardship on any person simply because of his membership in a labor union, nevertheless drastic measures must and will be adopted to preserve peace. Crafts of the various classes organized will not be interfered with as to their local or international affiliation, provided the Trades Assembly be forthwith disbanded and no similar boycotting agency be organized: provided further, that such unions of the local crafts have not for their national or international affiliation the Western Federation of Miners, The American Labor Union, the State Federation of Labor, or any kindred organization.

"We declare against all agitators and walking delegates. We declare against strikes, boycotts, and walkouts."

The position of the Citizens Alliance on the various strike questions was exactly that of the Mine Owners' Association, and the arguments advanced were the same as those of the association, but assumed from a more general business standpoint.

THE POSITION OF THE STATE AUTHORITIES

During the strike of 1903–4 the Colorado National Guard was called upon for unusually extensive service. Troops were in the Cripple Creek District for a period of nine months. Campaigns were carried on at Colorado City, Cripple Creek, Telluride, and Trinidad, and at times the entire available state militia was in active service. Cripple Creek and Telluride were subjected to periods of military rule, and deportation occurred under military authority from Cripple Creek, Telluride, and Trinidad. The state officers thus laid themselves open to charges of collusion with the corporate and large business interests of the state, and were severely criticised for their action. The facts underlying the situation at Cripple Creek were the political isolation of Teller County, the strength of the mine workers there, and the control of the county and state by the extreme wings of the two great opposed parties of the state.

In his official statement explaining his various acts during the Cripple Creek disturbances Governor Peabody declared that he had acted fairly and disinterestedly for the preservation of law and order.²³ He insisted that the Western Federation of Miners was a violent organization, with dangerous political theories, and a long record of crime, whose only claim to respectability was its title as a labor organization.

"I have had to deal with an organization which has no counterpart in this country. Its official proclamations, full of defiance and challenge, issued from time to time, have amounted, as has been said, to 'a declaration of war against the state.' I have met the challenge with a policy none too vigorous for the outlawry I was called to oppose. But through it all I have had but

²³ Digest from signed statement issued by the governor, July 30, 1904, addressed, *To the people of Colorado.*

one object, and that to show the people of Colorado that the laws will be upheld, that a criminal organization cannot dictate the policy of this administration, and that everywhere within the borders of Colorado property shall be secure and labor free."

The troops were called to Colorado City upon the demand of the sheriff, accompanying a petition from leading citizens, which the executive was bound to respect. Action at Cripple Creek was based upon the criminal record of the Federation.

"This record convinced me that the overt acts which had been committed in Cripple Creek were but forerunners of others, and that with the executive officers of Teller County in direct collusion with this organization, it would be but a few days until a reign of terror, involving loss of life and property, would be established in that district. The federation is led and absolutely controlled by unscrupulous men. Only two of the executive committee are residents of the state, and none of the committee has anything in common with the state's interests."

Stress is laid upon the high duty devolving upon the executive to afford protection to men who desire to labor. In affording this protection it became necessary "to confine certain men in military guard houses, as one of the safest and most expeditious methods of restoring order." The legality of the action was attested by the State Supreme Court. There were the occasional indiscretions among officers and men inevitable in so large a body unaccustomed to military service, but in general the conduct of the troops was praiseworthy, and the only reason that they were found actively opposed to the acts and purposes of the Federation was "because that organization was attempting to prevent by violence the operation of the mines and mills."

With the strike apparently over and peace restored, came the dynamiting of the Independence station, and the determination of the citizens that the community must be rid of the authors and investigators of such crimes.

When the excitement had subsided somewhat and the county was still under quasi military rule, it was found that there were several hundred members of the Western Federation in the district who would not work, and had resolved that others should

not, if, by such methods as those employed at the Independence station, they could be driven or frightened away.

"It became apparent that, even with every member of the National Guard in that county, it would be impossible to prevent the use of dynamite in the stealthy manner always employed by the Federation. The mountains and gulches of that rugged country afford a multitude of safe places for reconnoitre and hiding. The troops, which had already been there the greater part of the year, could not be maintained indefinitely without incurring immense additional expense. The only safe and available remedy seemed to be to disperse the radical members. If all of them had not personally participated in the outrages they had at least stood approvingly by and given their support, encouragement, and protection.

"If these men were scattered, the avenues which ten years of organization and association had opened for crime in that district would be closed. It would require much time in any other community before they could gather about them a new band of conspirators with the inclination and daring to inaugurate in a new field another condition of terrorism. These men as I have said, had determined never to yield the strike. The mine owners had resolved not to employ again the members of that organization. Therefore the only employment which remained for them was that of stirring up strife, committing depredations, and intimidating by inhuman crimes the working miners.

"I resolved that they should be dispersed and I dispersed them. This was done, however, only after careful investigation of each individual case."²⁴

THE RESPONSIBILITY AND BLAME—THE WESTERN FEDERATION OF MINERS

For the opening of the Cripple Creek strike the Western Federation of Miners must take the whole responsibility.²⁵ Whatever may have been the reasonable complaints as to the eight-hour

²⁴ P. 147, f. n. 23.

²⁵ See pp. 83, 84.

day in Colorado as a whole, and as to the right to form unions and to adjust wages, at Colorado City, these things had no direct connection with Cripple Creek.²⁶ Admittedly the conditions were absolutely satisfactory, and the only excuse for the strike was the refusal of certain mines to cease shipping ore to the Colorado City plant.²⁷ When it is remembered that most of the mines were not shipping to the reduction company at all;²⁸ that those which refused were bound by contracts;²⁹ and that the strike on the reduction company represented a sum total of nine men out, the strike stands in its true light.³⁰

The result was simply what might have been expected, with determined and powerful men on the other side. The Federation pulled the avalanche down upon its own head. By its constant partisan action, and the conscienceless use of its power before the strike, it paved the way for an unrestrained reaction. And while nothing said here must be taken as condoning lawlessness committed by any person whomsoever, so far as the Federation itself is concerned, it may blame itself for the disastrous result. The unions reaped only what they had sown.

Concerning the crimes committed during the latter part of the strike so little evidence has been adduced, that judgment must, for the present, be suspended. Especially is this true since, at the time the outrages were committed, the district was completely in the hands of those who sought in every possible way to fasten the guilt upon the unions, but who exhausted their means and ingenuity without result.³¹ The general circumstantial evidence can be adduced, but nothing further.

The people of the mining area in general, who have lived with the Federation, and known its history, have little hesitation in laying the criminal acts connected with the strike at the door of that organization. Nor will they change their opinion unless strong evidence is shown to the contrary. During the

²⁶ See p. 18, including footnote. p. 88, f. n. 5. pp. 88 and 89, especially footnotes p. 89.

²⁷ *Ibid.*

²⁸ See pp. 82 and 83.

²⁹ See p. 82.

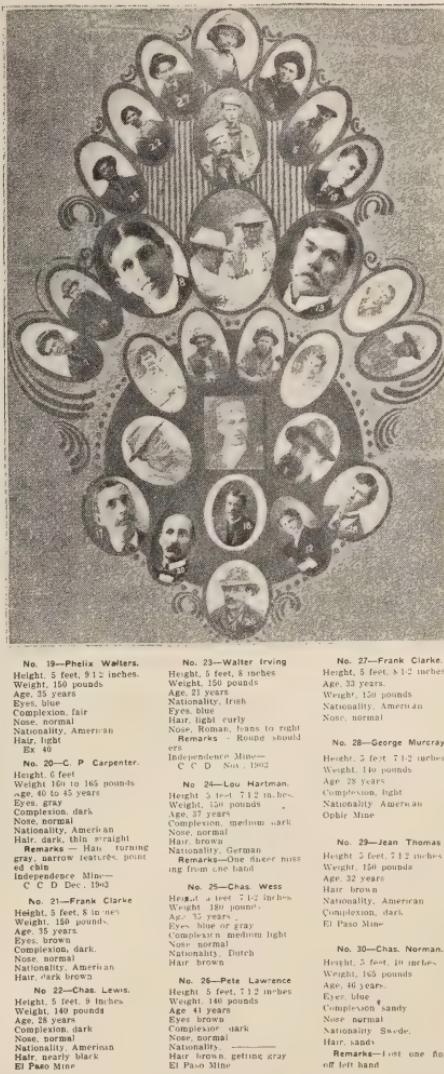
³⁰ See p. 88.

³¹ pp. 104, 108, 129, Chap. V. entire and Chap. VI. Section on trials.

WHAT IS A SCAB?

A scab is to his trade what a traitor is to his country, and though both may be useful in troublesome times, they are detested when peace returns, by all; so when help is needed, a scab is the last to contribute assistance, and the first to grasp a benefit he never labored to procure. He cares only for himself; he sees not beyond the extent of a day, and for a monetary approbation he would betray his friends, family and country; in short, he is a traitor on a small scale, who first sells the workingman and is himself afterwards sold in his turn by his employer, until at last he is despised by both and detested by all. He is an enemy to himself to the present age and to posterity.

Remember the names and the faces. You will meet them again.



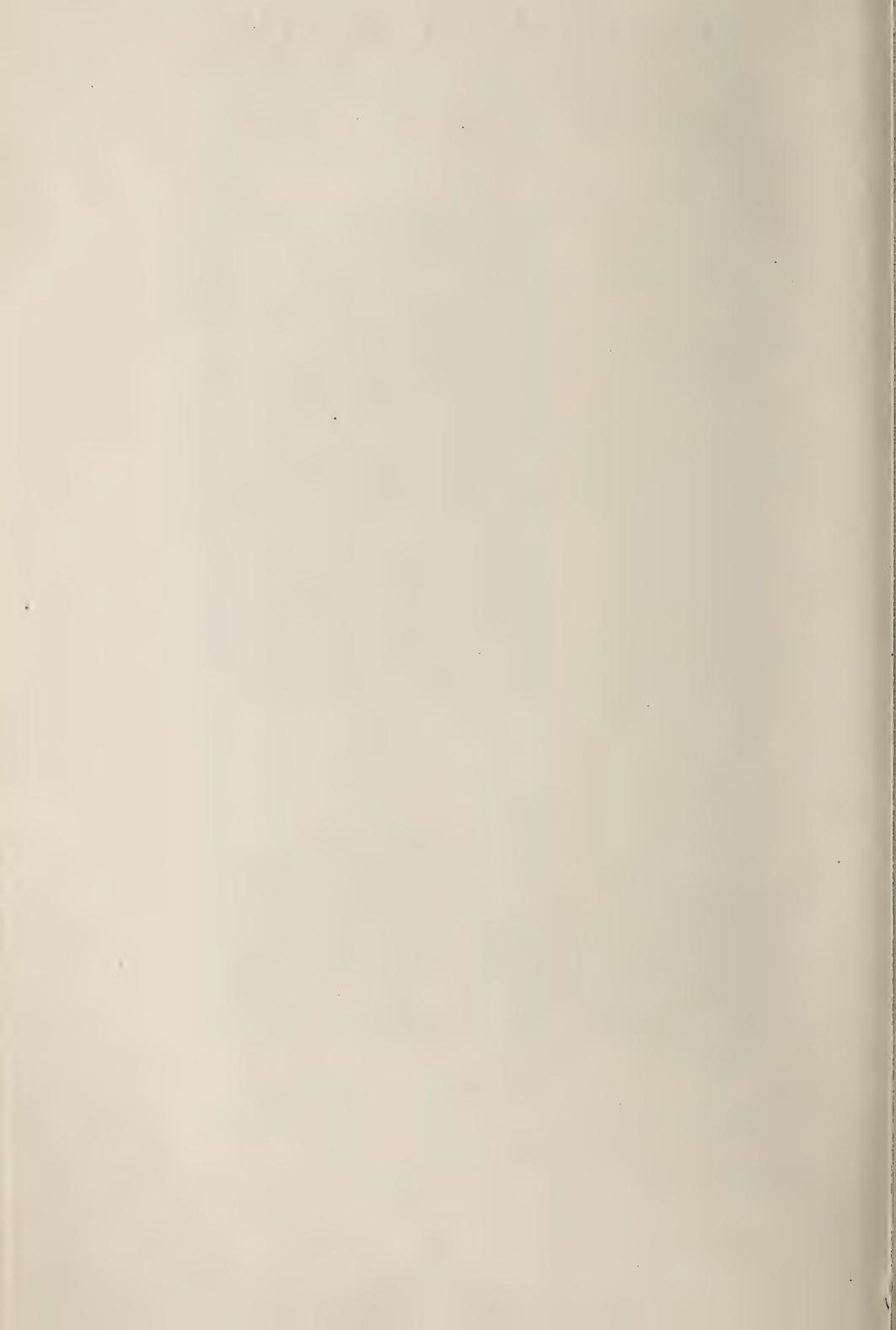
For further information, address the

Secretary District Union No. 1 W. F. M.,

SECOND EDITION: MORE COMING.

Cripple Creek, Colorado

A "SCAB LIST" PUBLISHED BY THE WESTERN FEDERATION.



strike of 1894 a reign of terror was brought about by men of criminal character, many of whom were admitted to the unions.³² Non-union men were severely beaten,³³ and the Strong mine was blown up.³⁴ Between the strikes non-union men were beaten, and in one case at least a non-union man was shot, and the perpetrators protected from just punishment by union juries.³⁵ In the strike of 1903 men were assaulted and property was destroyed,³⁶ there was such a condition for a time that men opposed to unions felt it unsafe to be out after dark; shots were fired through the shaft houses of mines;³⁷ and threats were made to non-union men and militiamen, of which the Vindicator explosion, the attempted train wrecking, and the Independence horror would have been only a partial fulfillment.³⁸

In Victor union hall on the day of the Victor riots, a number of photographs of mine groups were found. Over the picture of each non-union man a number was placed, and on the back the names were written with the corresponding numbers. From the names on the back of the Vindicator Mine group two had been scratched out, the names of Charles H. McCormick and Melvin Beck, who had been killed in the descending cage at the mine. The mine owners took this as evidence of an assassination plot, but the union officials explained that the pictures were simply for the making up of "scab lists" that had been published at frequent intervals.³⁹ In the raids by militia and deputies that followed, at one place a number of Winchesters and 300 rounds of ammunition were discovered.⁴⁰ Under the cabin of one of the Altman union officials was found a quantity of high explosives, spools of wire, and electric batteries.⁴¹ Ellsworth W. Holden, a machinist member of the

³² Part I, p. 30, including f. n. 3.

³³ Part I, p. 31.

³⁴ Part I, p. 33.

³⁵ See p. 70.

³⁶ See pp. 92 and 93.

³⁷ Testimony of a number of non-union men and mine guards.

³⁸ From many statements by militiamen and non-union men.

³⁹ See illustration opposite p. 150.

⁴⁰ *Report Adjutant General*, 1903-04. Also testimony before Coroner's Jury in Victor Riots.

⁴¹ This find was credited to K. C. Sterling, a detective in the employ of the Mine Owners' Association. Sterling does not enjoy a good reputation and the

Federation, testified that at the time of the Colorado City strike Federation officers tried to induce him to go to Colorado City, and gaining employment as a non-union man, to wreck the machinery of the Colorado Reduction and Refining Company.⁴² No one would think for a moment of accusing the rank and file of the Western Federation of such outrages as marked the last stages of the strike. But there were certainly members of the organization who would not hesitate to commit crime to accomplish their ends. There were certain officers who were willing to countenance and even to instigate the beating of men, and the destruction of property. Would they not wink at the commission of graver crimes?

THE MINE OWNERS' ASSOCIATION AND THE CITIZENS' ALLIANCES

No discredit is to be attached to the mine owners for opposing a solid front to the attack of the Western Federation of Miners, nor for straining every nerve to break the strike. To have submitted would have been to admit a condition of subserviency impossible to men of strength and courage. Nor with the police power of the district so thoroughly in the hands of the miners,⁴³ could they be expected not to make every effort to secure the presence of state troops. The position of the Citizens Alliances was also perfectly natural, in opposing a condition that was bringing upon them financial ruin.⁴⁴

Many of the men employed as guards by the mine owners during the strike were roughs of the worst type, men with criminal records either before or since that time. The following list of mine deputies who committed criminal acts within 12 months after the close of the strike, will serve as basis for judging this fact.

miners made various charges against him. See connection with train wrecking cases, pp. 55, 56 and 57. See also *Cripple Creek Times*, June 8 and 9, 1904.

⁴² Testimony before the military commission verified by the author.

⁴³ See p. 66 and same, f. n. 10.

⁴⁴ See pp. 63 and 144.

MINE DEPUTIES WHO COMMITTED CRIMINAL ACTS WITHIN TWELVE MONTHS AFTER THE CLOSE OF THE STRIKE.

Name.	Crime.	District court trial.	Sentence.
James Warford.....	Murder.....	No. 984	On second trial, life.
James Warford.....	Assault.....	Nos. 909, 923	10 to 12 years.
Thomas C. Brown.....	Murder.....	No. 923	Jury disagreed, nolled
Walter Kenley.....	Assault, intent to kill.....	Nos. 909, 912	10 to 12 years.
John Police.....	Fraudulent check	No. 943	Not tried, Jan. 1906.
Thomas C. Brown.....	Theft.....	No. 939	Jail sentence.
Charles Fightmaster.....	Highway robbery.....	No. 956	8 years.
Bert Smith.....	Highway robbery.....	No. 956	8 years.
Clark Watt.....	Assault, intent to kill.....	No. 994	10 to 12 years.
John Frame.....	Assault, intent to kill.....	No. 994	10 to 12 years.
Eugene Scott.....	Manslaughter.....	No. 280	7 to 8 years.
Thomas Scanlan.....	Assault	No. 865	10 months.

It is not apparent just how much can be adduced from the above statement. The position of deputy at such a time, with its attendant danger, and the certainty of public contempt, will not be accepted by the ordinary citizen. The mine owners had to draw from the only supply available for the purpose, and had to take what they could get. But the fact remains that there were in the employ of the Mine Owners' Association during the strike men capable of almost any crime, and that, as pointed out by the unions, these men might as logically be blamed for the overt acts of the strike as any men who could possibly have belonged to the unions. In the train wrecking case the union attorneys certainly succeeded in throwing a great deal of suspicion upon Detectives Scott and Sterling.⁴⁵ Charles Beckman, who had joined the Federation as a detective for the mine owners, admitted that he had been urging the commission of various overt acts, but explained that he did so simply that by working into the confidence of the right men he should be in a position to know of such plots.⁴⁶ In some cases since the strike, officials under the influence of the mine owners have sought in a most disgraceful manner to protect criminal deputies and others from the results of their misdeeds.⁴⁷

⁴⁵ See p. 106.

⁴⁶ p. 105. See also *United States Commissioner of Labor, Special Report on Cripple Creek Strikes*, Chap. XX.

⁴⁷ See District Court Case, *People vs. Charles Fightmaster and Bert Smith*. Conviction of highway robbery, October, 1905. Testimony and charge to jury. See also this work, Chap. V., section on *The Period Following the Strike*.

In the lawlessness following the crimes of June 6th the mine owners cannot be separated from the Citizens Alliance. Each had a part but not a separate one. It is the testimony of reliable witnesses that the speech of the secretary of the Mine Owners' Association on the afternoon of the Victor riots was such as any sane man must know would create trouble, and that he was entirely to blame for the starting of the affair.⁴⁸

The actions of the following days can all be explained as the natural outcome of the conditions. The wave of indignation following the terrible Independence explosion could be expected to carry men off their feet. The great dread that followed the conviction that the Federation was responsible, might be expected to bear some fruit. For men believing as they did there was much excuse for the lawless acts that followed. But to explain lawlessness is not to justify it, to find extenuating circumstances is not to condone it. There are extenuating circumstances for practically all mob violence. There are always extenuating circumstances for the negro lynchings of the South. There were extenuating circumstances for the lynching that occurred near Denver a few years ago, but it roused such a storm as resulted in changing one of the fundamental laws of the State.⁴⁹ If law is to be observed only when it seems to work no hardship upon those concerned and, when there are no alleviating conditions, it is a poor thing indeed, and useless, for men need no law to follow their own inclinations. One great intent of law is restraint, to compel men to follow one path when there are strong impulses to follow another. The mob outrages in the Cripple Creek District, and the wholesale deportation of men were a disgrace to the commonwealth of Colorado, and will long foster among other peoples a humiliating and unjust judgment of the citizens of that state.

⁴⁸ Statements of a number of non-partisan witnesses who were present at the mass meeting.

⁴⁹ The readoption of capital punishment.

THE STATE AUTHORITIES

In every case in which troops were used in the Colorado City and Cripple Creek difficulties, they were called into action before such conditions existed as are generally considered to warrant resort to state military power, viz., the commission of such overt acts as to show the existence of a mob, or such a condition of lawlessness as has gotten beyond the possibility of successful local control.⁵⁰ The troops were called out upon the assertion that such conditions were imminent, not that they existed, and final judgment as to the justice of the calls must rest upon that point.

One side of the case is well put in the report of Colonel Verdeckberg, Commanding Teller County Military District:

"During my long and varied experience in the National Guard of Colorado it has invariably occurred that troops, when utilized in suppressing riots, insurrections and rebellions, were not ordered into the disturbed localities until life or property had been destroyed, or, in other words, until a seemingly stronger argument presented itself for such a procedure than was taken in the campaign just closed. Threats and intimidations were of such a startling nature and of such frequent occurrence that, continued longer, they would naturally have brought about a more serious state of affairs and additional hardships to the law-abiding citizens of the district and to the State in its suppression of lawlessness. Without doubt, therefore, in view of the fact that the primary objects for which military rule was established in Teller county were satisfactorily accomplished, the more speedily on account of its early inception and its preventive influence over the acts of lawless men and agitators, and that its results have worked toward the betterment of conditions throughout the county, the prompt action of your excellency in thus using the strong hand of the military before bloodshed or the destruction of property could ensue was the most important factor in the restoration of peace and order;

⁵⁰ See pp. 75-77, including f. n., pp. 93-96, including f. n., and pp. 126 and 127.

and this campaign should establish a strong and valuable precedent.”

The other side is represented in an editorial from the *Denver Post*.

“The situation at Cripple Creek is a reminder of the fact that the President of the United States and governor of a state have unlimited power in emergencies. . . .

“But there is nothing the governor of a state or the president of the United States tries so earnestly to avoid as the exercise of the power now being used by Governor Peabody. Seldom has it been used, and, indeed, the most odious conditions have been tolerated rather than exercise naked, undisguised force. So all the presidents of the United States and all the governors of states have hesitated long and well, and, indeed, there is no modern example of the thing Peabody is doing, save Cleveland’s famous act in Chicago. . . .

“In Cripple Creek the thing at which Peabody has struck with all the power of the state is not physical, as in Chicago, but in the air. That is to say, men said they were afraid to go to work; but there were no criminal acts. The governor’s excuse for his action is that he levels the armed force of the state against fear. To the man who cares nothing, sympathetically, one way or the other, but who has a regard for law, the view of the matter is that the governor should have refused to act until there was evident lawlessness and disorder.

“The fact of the business is that the reasons for Peabody’s action would justify the seizure of all union labor leaders on the charge of treason, regardless of any strikes. In fact, it may be doubted if the governor realizes what he is doing. The real, vital interest in the thing is that Governor Peabody of Colorado, has cast a dye which, unless he backs out, to use plain words, means that organized labor is treasonable and, if his attitude is accepted, will mean the crushing of labor organization by the government as being a society or organization which challenges the supremacy of government. As soon as the country realizes what is being done in Colorado it will be recognized as a national issue.”

There can be but one judgment as to the use made of the troops. State officers represent the power of the people as a whole, and when their authority is exerted it is theoretically for the blind suppression of crime, and for the preservation of order, in the interest of the general welfare, without regard to class, order, or condition. When this power is exercised on lines of partisan bias to directly further the interests of one class as opposed to those of another, it is a perversion of the intention of democratic government, and calls for unqualified condemnation.

Sherman M. Bell, Adjutant General, in general charge of the troops, had been a rough rider in the command of President Roosevelt during the Spanish-American war. He returned to Colorado to be hailed as a popular hero for a time, but soon lost the admiration of the public through his overbearing ways and self-conceit. In the Cripple Creek campaigns his idea seemed to have been to make the most gorgeous military display possible, and to give himself the largest notoriety as a military leader.⁵¹ He was perfectly frank in the statement that his entire intention was to aid the mine owners and to smash the unions,⁵² and his conduct caused a large number of representative Colorado citizens to give credence to the statement that he was in the direct pay of the mine owners. Governor Peabody refused to hold himself responsible for many of the extreme acts of the general, but if he was failing to carry out the governor's orders he should have been removed.⁵³

The charges upon which Teller County was placed under military rule were not proved to be well founded.⁵⁴ The state authorities failed to secure the conviction of any of the criminals that it was claimed the local civil authorities were needlessly and intentionally allowing to go free, and they thus laid themselves open to the most serious charges of deliberate

⁵¹ See pp. 96-102, 110-116, f. n. 2.

⁵² See p. 99.

⁵³ See pp. 99, 110, including footnotes. Also various interviews during the period of military rule.

⁵⁴ See pp. 115, f. n. 29; 109, f. n. 11; pp. 109, 110, 118. Also section on *Trials*, Chap. VI.

partisan action.⁵⁵ The use made of state authority during the second period of military rule, when city governments were being overthrown and men being deported in large numbers, is to be strongly condemned. The use of the militia to virtually back armed mobs.⁵⁶ and to give some show of legality to a commission which on its own admission was forcibly deporting men simply for refusal to leave a certain organization,⁵⁷ was, in the opinion of the author, a perversion of public authority, of the most vicious type. It is true that the commission had to deal with some men of criminal type, and in their deportation there may have been some justice, but when the associations started avowedly and deliberately to wipe a legal organization out of existence,⁵⁸ state authority should have had no choice but to intervene. We may find some excuse for the citizens of the district, beside themselves with the horror of the days before, but the public authorities lost an opportunity for the display of that broader wisdom, and stabler judgment, overriding the frenzied passions of the moment, that should be a chief glory of the state.

INDICTMENT OF WESTERN FEDERATION BY MINE OWNERS' ASSOCIATION.

(1.) That a large number of criminals and lawless men have been welcomed, supported and sheltered by the Western Federation of Miners.

(2.) That the officers of that organization and a large number of the members, while perhaps not committing crimes themselves for which they can be prosecuted, do directly and indirectly advise or encourage the lawless among them to commit crimes.

INDICTMENT OF MINE OWNERS' ASSOCIATION BY WESTERN FEDERATION

(1.) That a large number of ex-convicts, gamblers, desperadoes and other criminals have been and now are, knowingly employed and paid by the Colorado Mine Operators' Association and the citizens' alliance in Cripple Creek, Telluride and elsewhere in the state as deputy sheriffs, guards, detectives, etc.

(2.) That the officers of these organizations and a large number of their members have not only committed crimes themselves, for which they could and should be prosecuted and punished, but the organizations as such, have directly and openly aided and abetted the same, and their members have boasted and approved of such crimes.

⁵⁵ *Ibid.*

⁵⁶ See pp. 125, 126, 128, 130-33, 136, including f. n. 33.

⁵⁷ See pp. 129, 130, including footnotes.

⁵⁸ See pp. 116, 126, 142, 146.

(3.) That these officers and this element preach disrespect for the law and contempt for the lawful authorities and openly and publicly, as individuals, approve of and gloat over the slugging, dynamiting and murdering of non-union men by their criminal associates.

(4.) That where this organization has had its members in local public offices, or where it has had the power to influence peace officers and courts in this state, it has paralyzed the hand of justice and made it next to impossible to convict members of the federation caught in the act of committing crimes.

(5.) That this organization, having formally and officially espoused the cause of the so-called Socialist party, is opposed to our present form of government and is aiming at its overthrow, together with the abrogation of the present constitution.

(6.) That this organization teaches its members to regard the wealth they produce from the property of others as

(3.) That the association and alliance, while shouting hypocritically for "law and order," have openly defied the courts, destroyed the liberty of the press, invaded the sanctity of the home, caused arrests without warrant, imprisoned men without charges of crime, driven men from the county after first robbing them, and while declaring such men to be criminals of the deepest dye, have, without compunction, dumped them on neighboring communities. . . .

(4.) That wherever the association or alliance have not had their members in public office, they have, whenever deemed necessary, compelled by violence and intimidation, the resignation of duly elected public officials and the appointment of their own creatures to the so-called vacancies. Wherever their members or tools are in office, or where they have had the power to influence peace officers and courts in this state, the law, as established since Magna Charta, has been subverted by decisions which have made the state subject of derision to the entire country, the hand of justice has been paralyzed, and it has been futile to attempt conviction of their members, although caught in the act of committing crime and openly confessing and boasting it. . . .

(5.) That these organizations have formally and officially espoused the cause of the so-called Republican party, which they pretend to be still the party of Lincoln. That each of them is opposed to our present form of government, and aiming at its overthrow. To this end they have destroyed and confiscated property, destroyed the freedom of the press, defied the courts, nullified the writ of habeas corpus, exercised the right of search without warrant, denied the right of trial by jury, exercised the power of banishment, denied the right of citizens to keep and bear arms, and trampled upon every other guarantee of personal liberty made by the constitution of the state and of the United States. . . .

(6.) That the organizations mentioned teach their members that the sole aim and end of existence is to acquire

their own, thus encouraging theft (of ore, for instance) and also inflaming the minds of its members against their employers, against the law, against organized society and against the peace and safety of the public.

wealth without producing it, and that therefore the methods of trusts, stock watering, stealing ore from neighbors under the guise of trespass, and other similar methods used by predatory wealth, are respectable, when compared to the economic theory that wealth should belong to him who produces it.
• • •

COMPARISON OF THE STRIKES

The two Cripple Creek strikes permit some instructive comparisons. The first strike was entirely natural in its origin, the result of self-existing and compelling economic circumstances, a great economic depression, a large surplus of labor, great differences in a single occupation and small field, as to hours and wages of labor. The second strike was as artificial in its origin as the first was natural, the result of a forced labor movement and of the manipulations of labor leaders. The first strike worked itself out among frontier conditions, and illustrates remarkably the labor movement in its infancy in newly settled regions. The second strike occurred among the conditions of a most thoroughly developed industrial community, and shows extreme types of organization and collective action. Many of the contrasts between the strikes are those of entirely different social stages. The result of the first strike was a definite, settled, industrial condition, the result of the second the entire elimination of the power of one organized factor.

The use of state authority had a very close and vital connection with both strikes, and with suggestively contrasted results. The conditions of the first strike were generally favorable to the mine owners, and it seemed practically impossible for the miners to win the fight. But the power of the state was interposed in their favor and they won. In the second strike the conditions were decidedly favorable to the miners. They were strongly intrenched in power, thoroughly organized, and had a large financial backing. But the power of the state was exerted in favor of the mine owners and they won. In both strikes the state held the balance of power, and the sympathetic use of its authority reversed the expected result, in the first case in favor

of one side, and in the second in favor of the other. There is a suggestion here of a probable lack of appreciation of the strength of the state as a factor in past labor history, and of its possible importance in the future.

Both the Cripple Creek strikes point clearly to the fact that the ever-recurring dispute between civil and military authorities when both are being actively exercised in the same area, has yet to be settled. It may not be out of place here to throw out a suggestion that the federal government might well carry the nationalization of the state militia a step further, and arrange that whenever called into active service for more than a very brief time it shall be placed under the command of a regular army officer. State military authorities are of political appointment, and likely to be of small military experience or knowledge. It is not to be expected but that such men should incline to over-importance when called into sudden authority, should think little of overriding the civil authorities, and should use their power in full consciousness of political exigencies, or that when they are called to a community violently opposed to them in politics a storm of protest should be raised. The United States army officer is a man of training and legal knowledge, versed in the quiet exercise of authority, and used to his power. He would at least be free from the blinding effect of local political interests, and his authority would tend to be more judiciously used, more unquestionably accepted and more thoroughly respected by both sides.

No especial discussion need be given of the part played by polities in the Cripple Creek strikes. Every phase of the conflicts had its political as well as industrial aspects. So completely was the political element involved that the whole narrative can be read with reference to its political disclosures, and the significance of the struggle is as deep politically as industrially.

There is a lesson to labor unions, though not of an unusual sort, in the second strike, in the danger from loss of democracy and minority rule. The hope of unionism lies in its self control. Intelligent interest upon the part of the great mass of the membership, and the retention of local ballot control, are essential

to safety, and the danger to labor from a powerful body superior to its control is as great when that body represents its own organization as when it represents the ever-decried ranks of capitalism. When the union miners of the Cripple Creek District allowed their active interest to flag, and permitted minority control, which in turn delegated its power to a radical committee, they invited almost certain downfall.

SIGNIFICANCE OF THE LABOR HISTORY

The final Cripple Creek strike is to be partially explained in terms of its approach to frontier character. The psychologist will wish to trace the effect of the great altitude as it works to make men more irritable and easily excited, and to make easy, sudden and extreme bursts of passion. But the fuller explanation of the violence, the bitterness, and the disruption of the community must be sought in the geographical and political isolation of the district, and the centering of its whole industry in mining. The miners unions included so large a preponderence of the district workmen, and had such complete sway of the local trades council, as to represent practically the laboring class. When mining ceased business ceased. Who struck a blow at mining struck a blow at the entire business interests of the district. One line of cleavage divided the district, and he who did not stand on one side found it hard not to stand on the other. Hence the solid front of the Mine Owners' Association, and Citizens' Alliance. United labor on one side, and united business interests on the other. This general economic cleavage continued naturally into the political arena, each of the two parties rallying an interest to its banner. The political struggle was resultingly heated and severe, and much partisan bias was to be expected of the successful candidates. A people was split into two great classes economically and politically for the working out of an industrial crisis.

The Cripple Creek strike stands in one way for partial frontier conditions, in another it may represent the completion of a modern industrial development ahead of its time. Recent movements in the industrial field, the intense labor union activ-

ity, the efforts for more inclusive and far reaching organization, and the growth of the sympathetic strike, on one side; the formation of various types of employers associations and citizens alliances, with state and national affiliation, on the other, all point in the same direction — toward the widening of the areas of conflict — a more general and complete engagement of social forces when an industrial dispute is to be settled. Any influence that precipitates the generalizing of the movements can easily find its way into the political field.

In the Cripple Creek District this movement has completed its development, and the final issue has been fought to a finish. Other communities and sections approach the same conditions. There do not lack of indications of a general current sweeping the entire nation to such a final issue. History will tend to repeat itself when the culminations come. It may well be that in the throes of the Cripple Creek conflict lie auguries of the future, lessons for both parties to the strife, and for the "powers that be" in state, in county, and in town.

The strike may be summarized thus: The unions sowed class consciousness, and it sprang up and destroyed them. Control passed from one class to another, and in the Cripple Creek District class rule is supreme.

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